



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

June 7, 2006

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Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jerry Libbin
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

CONSENT AGENDA

- PA1 Certificate of Appreciation/Lynda Veski, 2005 Female Volunteer of the Year. (Dermer)
- PA2 Presentation of Tourism Hospitality Scholarships.
- PA3 Certificate of Appreciation/Attorney S. David Sheffman, Child Advocacy Work. (Bower)
- PA4 Acknowledgement of New Generation Youth Leadership/Workforce Institute Program. (Bower)
- PA5 **New Item:** Certificate of Appreciation/Bea Kalstein, Years of Public Service to the City. (Steinberg)
- PA6 **New Item:** Certificates of Appreciation/Members of Miami Beach Fire/Ocean Rescue. (Cruz)
- PA7 **New Item:** Certificates of Appreciation/Coaches & Recreational Leaders in Miami Beach. (Cruz)
- PA8 **New Item:** Certif. of Apprec./Tamra Sheffma & Sonia Bortolin, National 2006 Air Race. (Garcia)

- C2A Bid No. 25-05/06, Purchase (3) Trailer Mounted Pressure Washers, \$35,475.
- C2B Issue RFP, Purchase Single Space Parking Meters for City's Parking System.
- C2C Issue RFP, Provide Unarmed Security Guard Services.

- C4A Ref: Neighborhoods/Community Affairs Committee - Shared Car Concept. (Steinberg)
- C4B Ref: Finance & Citywide Projects Committee - Revitalizing N. Beach Oceanfront Parks.
- C4C Ref: Finance & Citywide Projects Committee - Altos Del Mar Sculpture Park. (Bower)
- C4D Ref: Neighborhoods/Community Affairs Committee - The "Maze" Placement in Collins Park.
- C4E Ref: Finance & Citywide Projects Committee - Byron-Carlyle & Colony Theaters Bookings.
- C4F Ref: Finance & Citywide Projects Committee - Proposed CMB Financial Policies.
- C4G Ref: Land Use & Development Committee - Dog Beach at 86th Street/City Liaison. (Bower)

- C4H Ref: Neighborhoods/Community Affairs Comm. - Distribution of Handbills/Flyers Legislation.
- C6A Report: G.O. Bond Oversight Committee Meeting on May 1, 2006.
- C6B Report: Land Use & Development Committee Meeting on May 8, 2006.
- C6C Report: Finance & Citywide Projects Committee Meeting on May 18, 2006.
- C7A Execute Amendment, Venetian Islands Neighborhood ROW Improvement Project.
- C7B Ratify Amendment, Washington Avenue Improvement Project, Phase II, IV, & V.
- C7C Appointment of Chief Special Master.
- C7D Elect Commissioner Jerry Libbin as Vice-Mayor for July 1 - October 31, 2006.
- C7E Execute Agreement w/ Miami-Dade County, Funding for the Renovation of Old City Hall.
- C7F Submit Grant Application to Several Funding Agencies.
- C7G Execute Agreement w/ Motorola, Comply w/ the Sprint/Nextel Rebanding Mandate.
- C7H Set Public Hearing, Consider Naming Fire Station No. 4 in Honor of Leonard Rubin.
- C7I Accept Recommendation, Grounds Maintenance Services for Parks & Recreation.
- C7J Set Public Hearing, Review DRB Decision Request by 6000 Indian Creek LLC.
- C7K Set Public Hearing, Review DRB Decision Request by Southpointe Heights LLC.
- C7L Ratify Contract, Replace (3) Air Conditioning Units at Miami City Ballet Building.
- C7M Ratify Contract, Replace Roof of the Miami City Ballet Building.
- C7N Ratify Contract, Waterproofing & Painting of Exterior Walls of Miami City Ballet Building.
- C7O Ratify Contract, Repair/Replace the Gun Range Training Equipment at MB Police Dept.
- C7P Ratify Contract, Replace (3) Air Handling Units at Miami Beach Police Department.
- C7Q Approve (2) Local Agency Program Agreements w/ FDOT, N. Beach Recreational Corridor.
- C7R Amend Lease Agreement for JCC, Land & Facilities at 4221-4229 Pine Tree Drive.**SM**
- C7S Approve Lease Agreement for CMB, Property at 309 23rd Street (Palm Court).**SM**
- C7T Accept Recommendation, Implement a Post Retirement Health Investment Program.
- C7U Waive Bid, Replace Water Supply Line & Backflow Prevention System at MB Golf Course. **5/7A**

REGULAR AGENDA

- R5A **10:15 a.m. 1st & Only Rdg**, Approval for New Construction Structures 50,000 sf. & Over. **5/7**
- R5B **10:15 a.m. 1st Rdg**, Supplemental Conditional Review Criteria for Large Structures. **5/7**
- R5C **10:45 a.m. 2nd Rdg**, Amend Prohibited Areas for Construction Noise & Provide Exceptions.
- R5D **10:45 a.m. 1st Rdg**, Amend Procedures for Construction Activities & Provide Exceptions.
- R5E **1st Rdg**, Residential Performance Standard Requirements. **5/7**
- R5F **11:30 a.m. 1st Rdg**, Nonconforming Gasoline Service Stations. **5/7**
- R5G **1st Rdg**, Planning Board Review Criteria Pursuant City Charter Requirements. **5/7**
- R5H **1st Rdg**, Amend No. 789, Classified Employees Salary Ordinance.
- R7A **10:30 a.m.** Approve an After-the-Fact Revocable Permit, Raleigh Hotel.
- R7B **11:00 a.m.** Approve an After-the-Fact Revocable Permit, 6120 La Gorce Drive.
- R7C Appropriate Funds, Wireless (WiFi) Upgrade of 250 Multi-Space Parking Pay Stations.
- R7D **11:45 a.m. 1st Rdg**, Approve Lease Agmt w/ Log Cabin, Collins between 81st - 82nd St. **5/7**
- R7E **1st Rdg**, Approve Lease Agmt w/ Boys & Girls Club, Building at Flamingo Park. **5/7**
- R7F **1st Rdg**, Approve Lease Agmt w/ Sunrise Community, 8128 Collins Avenue. **5/7**
- R7G Approve Agmt w/ CDM, Continue Development of a Geographic Information System.
- R7H **1:15 p.m.** Amend Resolution, Expand Parking - Restricted Residential Permit Parking Zone.
- R9A Board & Committee Appointments.
- R9A1 Board & Committee Appointments - City Commission Appointments.**SM**
- R9A2 Nominate Yamile Jimenez-Soto for the Miami Beach Housing Authority. (Dermer)
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Discuss: Avoid Building Required Parking in Flamingo Park Local Historic Dist. (Steinberg)
- R9D Discuss: Public Vote for November 7 Ballot, Proposed Charter Amendment. (Dermer)
- R9E Discuss/Refer to Planning Brd: Conditional Use Rev.-New Construction Exceeding 1.0 FAR.
- R9F **11:15 a.m.** Request by Miami Design Preservation League to Review DRB Decision.
- R9G Discuss: Resolution Denying New Permits to Contractors w/ Open/Expired Permits. (Libbin)
- R9H Discuss: Amend City Center Redevelopment Plan, Workforce Housing. (Libbin)

- R9I Discuss: Memorial Day Weekend, City Expenses/Projected Financial Impact. (Garcia)
- R9J Discuss: Election/Appointment for Possible Vacancy of Group V Commission Seat. (Dermer)
- R9K Discuss: Relationship Between I.T. Dept., Finance Dept. & Cyborg System. (Garcia)
- R9L Discuss: Fire Inspection Fee in the 2006/07 City Budget. (Garcia)
- R9M Discuss: Develop Surface Parking Lot at 1625 West Ave. into Workforce Housing. (Garcia)

- A City Attorney's Status Report.
- B Parking Status Report - April 2006.
- C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
- D Status Report: Construction of Fire Station No. 4.
- E Status Report: Normandy Isle Park & Pool Project.
- F Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.
- G1 Minutes: Performing Arts Center Trust Board Meeting on March 28, 2006. (Bower)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 1A Report of Itemized Revenues/Expenditures of RDA City Center & S. Pointe - April 2006.
- 2A Appropriate Funds, Repairs Needed at the Anchor Garage.

Meeting called to order at 9:27:54 a.m.

Pledge of Allegiance lead by Chief Donald De Lucca.

Invocation given by Rabbi Shiftman, from the Hebrew Academy.

Times based on the digital recording in the City Clerk's Office**Supplemental Materials:**

C7R (Additional Information), C7S (Resolution) and R9A1 Additional Appointment.

Addendum Item (C7U):

ACTION: Motion made by Commissioner Bower to add item C7U as an emergency item to the Commission Agenda; seconded by Commissioner Cruz; Voice vote: 7-0.

Presentations and Awards**9:49:55 a.m.**

PA1 Certificate Of Appreciation To Be Presented To Captain Lynda Veski Of The Miami Beach Police Department For Her Selection As 2005 Female Volunteer Of The Year At The 2006 National P.A.L. Conference.

(Requested by Mayor David Dermer)
(Deferred from May 10, 2006)

ACTION: Certificate presented.

Mayor Dermer recognized Captain Lynda Veski for the award received as 2005 Female Volunteer of the Year, which is a major recognition of all the P.A.L. Volunteers. This is a great honor for Lynda, for her department and for the City.

Captain Lynda Veski stated that at the National P.A.L. Conference in Cleveland she spoke about why cops make exceptional mentors and the challenges facing getting more police officers involved in mentoring. She explained the reasons why children are attracted to mentoring police officers and the need for continued support and funding for these projects. She thanked them for their continued support.

Commissioner Bower recognized Lynda for being a role model for children. She asked the City Manager if there is some kind of policy to give some time per week to City employees for the mentoring program.

Jorge Gonzalez, City Manager, explained that the City has a policy where employees are encouraged and allowed to get involved in mentoring youth and others.

10:11:02 a.m.

PA2 Presentation Of The Tourism Hospitality Scholarships To Michelle Milfort, Monica Kakanis, Natalie Koller, Gianina Ghirardi, And Kate Goncalves.

(Tourism & Cultural Development)

ACTION: Tourism Hospitality Scholarships will be sent to students, as they were not in the audience.

Jorge Gonzalez, City Manager, stated that Commissioner Bower had brought to his attention that there were scholarships available and that the City could do more with respect to recognizing and encouraging people going through the field of hospitality; and through efforts with partners such as SMG, Centerplate and the Greater Miami and Convention Center Bureau, funds have been developed and distributed to residents of Miami Beach to assist with ongoing education.

Max Sklar, Cultural Arts and Tourism Director, stated that most of the students are either in school or working. He recognized SMG and Centerplate for their contributions in assisting with these scholarships. He added that this year \$27,000 are being awarded to five students.

Commissioner Bower expressed her appreciation and stated that these scholarships are helpful to the students and make a great impact and difference in their lives.

Max Sklar, Cultural Arts and Tourism Director, announced that all the students had emailed staff expressing their appreciation.

9:41:25 a.m.

PA3 Certificate Of Appreciation To Be Presented To Attorney S. David Sheffman, J.D., LL.B., For His Valuable Pro-Bono Child Advocacy Representing Abused And Neglected Children In Dependency Court.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Certificate presented.

Commissioner Bower recognized David Sheffman, Esq., who does pro bono work and representation as a lawyer for abused and neglected children, and volunteers his time defending and standing up for the children in dependency court.

David Sheffman, Esq., spoke.

9:45:43 a.m.

PA4 Acknowledgement Of The New Generation Youth Leadership And Workforce Institute Program.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Acknowledgement made.

Margarita Cepeda, from Unidad, explained that this started as a pilot program in 2005 funded by South Florida Workforce and supported by the City of Miami Beach; Jorge Gonzalez, City Manager, Mayra Buttacavoli, Human Resources Director, Commissioner Bower and the rest of the Commission have been instrumental in helping employ in 2005 fifty young leaders from the community and trained them for leadership and development skills. She added that there are 50 students in the audience graduating in the Class of 2006 observing the City Commission in action and then they will discuss the actions taken. She explained that this program is building today's youth for tomorrow's workforce. She invited the City Commission for their graduation ceremony on June 30th. She acknowledged all the students, and in particular Chris Santana, from Florida City, who rides three buses to arrive to Miami Beach to be a participant of the program.

Handout or Reference Materials:

1. Color Press Kit titled "new generation leadership & workforce institute." By Unidad South Florida Workforce.

9:30:32 a.m.**New Item**

PA5 Certificate of Appreciation Presented To Bea Kalstein, For Years Of Public Service To The City.
(Requested by Commissioner Steinberg)

ACTION: Certificate presented.

Commissioner Steinberg stated that the Mayor's State of the City Address, Mayor Dermer had acknowledged Bea Kalstein, and he recognized Bea on behalf of the City for decades of public service to the City, her activism and for her contributions to the residents. A gift basket was presented to Bea Kalstein as a gift.

Bea Kalstein stated that she is deeply touched and thanked the City Commission for the honor of receiving this certificate.

Mayor Dermer shared one of Bea's stories; as she was a motivator in his getting involved in politics; almost a decade ago they had a very difficult battle with the RDA, and there were several documents from the City Attorney's Office thrown out at the loading docks. Bea told Mayor Dermer about these boxes of documents and to try to get a hold of them to show the "spending practice" of the RDA back then; the documents were gone and Bea thought they might be found in the dumps, they went there and the documents were found. He added that her motivation caused him to go "from the dumps over to the Mayor's seat." He added that more people like Bea Kalstein are needed to keep an eye on the City.

Commissioner Cruz added that Bea has been also a part of his political career. He stated that at times during Commission Meetings, Bea spoke up and she maintained over the City Commission a watchful eye and was truly the conscience of the Commission for a long time.

Commissioner Bower explained that Bea is a true activist and she tells it as it is. Bea is a role model for the citizens of tomorrow.

Commissioner Garcia stated that Bea has been greatly missed.

10:07:26 a.m.**New Item**

PA6 Certificate of Appreciation Presented to Members of Miami Beach Fire and Ocean Rescue.
(Requested by Commissioner Cruz)

ACTION: Certificates presented to: Team Captain Pedro Rodriguez, Lifeguard I, Assistant Captain, William Geddes, Lifeguard I, Gabriel Benites, Lifeguard I Yanet Benitez, Lifeguard I, John Canellas, Lifeguard I, Naviv Gesto, Lifeguard I, Keith Keyes, Lifeguard I, Joseph Francis, Lifeguard I, Javier Mayor, Lifeguard I, Richard McKinnon, Lieutenant, Peter Prachtakov, Lifeguard I, and Rafael Reig, Lifeguard II.

Commissioner Cruz explained that this year there was a Mercedes Corporate Run in downtown Miami, in which the Ocean Rescue Team won the overall competition and congratulated them on their accomplishments.

Richard McKinnon, Lieutenant, thanked the City Commission for the award and presented Jorge Gonzalez, City Manager, with the plaque of the Corporate Run Award received.

10:00:34 a.m.**New Item**

PA7 Certificate of Appreciation Presented To Coaches And Recreational Leaders In Miami Beach.
(Requested by Commissioner Cruz)

ACTION: Certificates presented to the Gymnastic Program staff: Coach Michele Rivera, Rembo Li, Tom Pike, James Jackson and Rebecca Kern.

Commissioner Cruz commended the Parks and Recreation Department for a job well done in programming as the City has been changing; he recognized in particular the Gymnastic Program over on 23rd Street and Washington. He stated that this is a fabulous program that teaches children starting at age four; and there are five very dedicated individuals who are there every Saturday giving of their time to help with additional programming. He added that this is something quite unique as one watches the progress children make, from improving their self esteem to increasing their pride and overall athletic skills.

Michele Rivera thanked the City Commission for the recognition.

Rebecca Kern spoke.

Jorge Gonzalez, City Manager, also recognized Pippa Seichrist with Miami Ad School who gives her time and energy to ensure that the program works at the end of the year.

9:54:55 a.m.**New Item**

PA8 Certificate of Appreciation Presented To Tamra Sheffman and Sonia Bortolin, 2006 Air Race Classic.
(Requested by Commissioner Garcia)

ACTION: Certificates presented.

Commissioner Garcia recognized Tamra Sheffman and Sonia Bortolin for representing Miami Beach in the second annual Air Race.

Tamra Sheffman explained that one of the purposes of this race is to raise awareness for women to learn that anyone can fly. She announced that the website is flyawaywithus.org.

Sonia Bortolin added that they are proud to represent the City. She distributed flyers of the race route and encouraged women to get involved in aviation.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Cruz. Voice vote: 7-0.

10:16:42 a.m.

New Item:

Commissioner Garcia stated that the Neighborhoods/Community Affairs and the Condominium Task Force reports are not on included the agenda.

Jorge Gonzalez, City Manager, stated that the Neighborhoods/Community Affairs Committee report failed to meet the deadline because of the Memorial Day activities, but it will be included in the next Commission Agenda.

Commissioner Garcia stated that he has been informed that Miami-Dade County is going to create a Condominium Committee similar to Miami Beach's.

C2 - Competitive Bid Reports

C2A Request For Approval To Purchase Three (3) Trailer Mounted Pressure Washers, From Industrial Cleaning Equipment & Supply, Pursuant To Invitation To Bid No. 25-05/06, In The Amount Of \$35,475.00.

(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

C2B Request For Approval To Issue A Request For Proposals (RFP) For The Purchase Of Single Space Parking Meters For The City's Parking System.

(Parking Department)

ACTION: Request authorized. Gus Lopez to issue RFP. Saul Frances to handle.

10:20:38 a.m.

C2C Request For Approval To Issue A Request For Proposals (RFP) To Provide Unarmed Security Guard Services.

(Police Department)

ACTION: Item separated for discussion by Commissioner Bower. Motion made by Commissioner Bower; seconded by Commissioner Garcia. Voice vote: 7-0. **Request authorized as amended.** Gus Lopez to issue RFP. Don De Lucca to handle.

Amendment:

Modify the RFP to eliminate the apparent loophole in the living wage ordinance and require the responders to meet the living wage standard during the probationary period and amend the ordinance and to add language to the RFP to add more integrity to the screening and hiring process.

Jorge Gonzalez, City Manager, stated that this item is authorizing the issuance of an RFP. The contract now in place will remain in place until a new provider is selected. The current contractor has been in place about a year and has not performed to the level which was anticipated. There have been a lot of staff no-shows, a lot of staff turnovers, and difficulty in managing the contract. He added that the present company has been told that the City is issuing a new RFP.

Commissioner Bower stated that according to the Memorandum from Tim O'Regan, page 37 of the Agenda, living wages are not paid until an employee has been on the job for three months. She stated that because of the 75% turn overrate, and the fact that living wages are not being paid for the

first three months, perhaps there is a loophole which needs to be reviewed.

Jorge Gonzalez, City Manager, explained that the living wage does allow for employees to go through a probationary period where the health insurance component of the wages is not paid. He added that he also thinks this is a loophole and perhaps is being abused. He stated that he will have staff look at making an ordinance change.

Commissioner Garcia stated that this issue can be addressed in this RFP.

Jorge Gonzalez, City Manager, stated that this issue will be addressed in both the ordinance and the RFP. **Gus Lopez to handle.**

Commissioner Libbin suggested adding language to the RFP which would add more integrity to the screening and hiring process. **Mayra Diaz Buttacavoli to handle.**

Bea Kalstein, when leaving, thanked the Commission.

Vice-Mayor Gross stated that he wants to caution against adding the three month provision to the RFP because most health insurance plans that companies have provide for a 90-day waiting period before getting becoming eligible for the health plan. This may create a problem where companies will not respond to the RFP.

Jorge Gonzalez, City Manager, stated that the ordinance is flexible in that if a company is not providing the employee with insurance the company can pay an extra \$1.25 per hour and then once eligible for health insurance, reduce the hourly rate.

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Shared Car Concept In The City Of Miami Beach.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Item referred. Vivian Guzman to place on the committee agenda. Fred Beckmann to handle.

- C4B Referral To The Finance And Citywide Projects Committee - Recommendations From The Report Entitled Revitalizing North Beach Oceanfront Parks Through Placemaking.

(Planning Department)

ACTION: Item referred. Patricia Walker to place on the committee agenda. Jorge Gomez to handle.

Handouts or Reference Materials:

1. Draft Report prepared by Project for Public Spaces, Inc, titled "Revitalizing North Beach Oceanfront Parks through Placemaking" dated February 2006.

- C4C Referral To The Finance And Citywide Projects Committee - Discussion Regarding Altos Del Mar Sculpture Park.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **Max Sklar to handle.**

Handouts or Reference Materials:

1. Clear covered bound booklet from Altos Del Mar Sculpture Park, Inc., dated May 3, 2006 addressed to Commissioner Matti Herrera Bower RE: Altos Del Mar Sculpture Park including description of operations, company's legal structure, budget, funding sources and financial projections.
2. PowerPoint Presentation titled Altos Del Mar Sculpture Park presented by Altos Del Mar Sculpture Park, Inc., to Residents & Friends of North Beach, dated January 10, 2006.
3. Clear covered bound booklet from Altos Del Mar Sculpture Park, Inc., with signed Letters of Support.

- C4D Referral To Neighborhoods/Community Affairs Committee Of The "Maze" By The Artist Brian Tolle To Be Commissioned For Placement In Collins Park, As Recommended By The Art In Public Places Committee.

(Tourism & Cultural Development)

ACTION: Item referred. Vivian Guzman to place on the committee agenda. Max Sklar to handle.

- C4E Referral To The Finance And Citywide Projects Committee - Discussion Regarding Maximizing Bookings At The Byron-Carlyle And Colony Theaters For Extended-Run And For Off-Peak Bookings, By Allowing For Adjustments To Rental Rates At The Theaters.

(Tourism & Cultural Development)

ACTION: Item referred. Patricia Walker to place on the committee agenda. Max Sklar to handle.

- C4F Referral To The Finance And Citywide Projects Committee - Discussion Regarding Proposed City Of Miami Beach Financial Policies, As Recommended By The Budget Advisory Committee.

(Budget & Performance Improvement)

ACTION: Item referred. Patricia Walker to place on the committee agenda. Kathie Brooks to handle.

- C4G Referral To The Land Use And Development Committee - 1) Discussion Of Possible Dog Beach At The 86th Street Beach; And 2) Assigning Of City Liaison From The Parks & Recreation Department For Responsible Dog Owners Of Miami Beach.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Item referred. Jorge Gomez to place on the committee agenda. Fred Beckmann and Kevin Smith to handle.

- C4H Referral To The Neighborhoods/Community Affairs Committee -Discussion On Proposed Legislation Governing The Distribution Of Handbills And Flyers In Certain Areas Of The City.

(City Manager's Office)

ACTION: Item referred. Vivian Guzman to place on the committee agenda. Hilda Fernandez to

handle.

C6 - Commission Committee Reports

C6A Report Of The G.O. Bond Oversight Committee Meeting On May 1, 2006: **1)** Contingency Report; **2)** Discussion Items: A. Change Orders At Fire Station No. 2; B. Change Orders For Fire Station No. 4; C. Change Orders For North Shore Open Space Park - Phase III; **3)** Project Status Report: A. Update On Fire Station No. 2; B. Update On Fire Station No. 4; C. Update On Normandy Isle Park And Pool; And **4)** Informational Items: A. Updated Calendar Of Scheduled Community Meetings; B. Seawall Status; C. North Shore Open Space Park Paved Pathway; D. AiPP At South Pointe Park; E. South Pointe Booster Pump Station (Not A GOB Project); F. Normandy Shores Golf Course; G. Belle Isle Park; H. AiPP Project At Washington Avenue And 3rd Street; I. CIP Staffing; And J. Reorganization Of CIP Status Reports.

ACTION:

Item 1:

Mr. Jorge Chartrand, Director of the Capital Improvement Projects (CIP) Office, informed the Committee of several change orders that were approved since the last report.

Item 2:

Listed in title but not in the report.

Item 3(A):

Substantial completion, prior to punch-list items, is expected in September, 2006. The Fire Station portion of the project is approximately 80% complete. Work is currently in progress in the interior finishes and installations.

The committee clarified that additional funds in the contract are to go to historic preservation toward renovation of the historic fire station building which is the second phase of the overall project.

Item 3(B):

The shell of Fire Station 4 is complete, as is the HVAC system and sewer drains. Currently, glazing is underway, to be followed by painting of the building. Substantial completion expected in early June.

Item 3(C):

The park is near completion and should open in June. The pool is expected to open in September.

Item 4(A):

The updated Calendar of Scheduled Community Meetings was presented but not reviewed.

Item 4(B):

Seawalls Public Works Director Fred Beckmann and Environmental Manager Jordanna Rubin presented a status update on the 99 seawalls in the city, with specific attention to Pine Tree Park and Collins Canal. A JOC contractor has been hired to begin construction at Pine Tree Park. A kayak launch is also proposed for that site. At Collins Canal, the project still awaits permits from DERM and DEP.

Item 4(C):

North Shore Open Space Park Discussion digressed from the park itself to Public Works projects adjacent to the park. Public Works will send a schedule of construction for the North Beach Recreational Corridor south of the park, from 79th Street. **Fred Beckmann to handle.**

Item 4(D):

Listed in title but not in the report.

Item 4(E):

Listed in title but not in the report.

Item 4(F):

Normandy Shores Golf Course The golf course is currently closed. Construction is expected to begin in October 2006.

Item 4(G):

Belle Isle Park

NTP has been issued. Construction begins at the end of May.

Item 4(H):

AiPP - Max Sklar is invited to the next meeting to present information about Corona del Mar, the installation at Washington and 3rd Street.

Item 4(I):

There are seven open positions in the Department. CIP is currently interviewing for three positions.

Item 4(J):

The Committee asked CIP to re-organize the information that is presented at each GOBOC meeting. New ideas will be discussed at the next meeting. **Jorge Chartrand to handle.**

C6B Report Of The Land Use And Development Committee Meeting On May 8, 2006: **1)** Discussion Regarding The Turtle Nesting Protection Ordinance; **2)** Discussion Regarding "Utility Line Clearing," An FPL Proposed Ordinance For The Village Of Palmetto Bay, Florida; **3)** Discussion On Party Houses; **4)** Discussion On Ordinance Prohibiting Height Variances Without City Commission Approval Or Public Referendum; **5)** Discussion On Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," By Adjusting The Height For Any New Construction Or Additions To Existing Structures In The Flamingo Park Local Historic District; Providing For Repealer, Severability, Codification And An Effective Date; **6)** Discussion Regarding The 90-Day Time Period When Zoning In Progress Starts After A Positive Recommendation From The Planning Board And Scheduled For The City Commission Meetings; **7)** Discussion On Historic Preservation Board Resolution Pertaining To The Transfer Of Development Rights (TDR's); **8)** Discussion Regarding The .5 FAR Bonus In Existing Zoning Code For Mixed Use Developments And Reserving Such Bonus For Affordable Housing/Workforce Housing; And **9)** Discussion On Ordinance Amending Section 46-156, Entitled "Temporary Permits," By Amending The Prohibited Areas For Construction Noise And Providing Exceptions Thereto.

ACTION:**Item 1:**

Referral from the February 8, 2006 City Commission meeting.

ACTION: Item discussed, the committee instructed the administration to proceed with the proposed ordinance. Motion by: Commissioner Garcia and Vice-Mayor Gross, approved. **Fred Beckmann to handle.**

Item 2:

ACTION: Referral from the February 8, 2006 City Commission meeting. Item continued to the June 6, 2006 Committee Meeting. **Jorge Gomez to place on committee agenda.**

Item 3:

ACTION: Referral from March 8, 2006 City Commission meeting. Item opened and continued to the June 6, 2006 Committee Meeting. **Jorge Gomez to place on committee agenda.**

Item 4:

ACTION: Referral from the March 8, 2006 City Commission Meeting. Item continued to the June 6, 2006 Committee Meeting. **Jorge Gomez to place on committee agenda.**

Item 5:

ACTION: Referral from the April 11, 2006 City Commission meeting. Item discussed, including discussion on lowering FAR's in the District. Committee determined that the discussion should be by the whole Commission on May 10. **Committee of the Whole meeting to be scheduled.**

Item 6:

ACTION: Referral from the April 11, 2006 City Commission meeting. Item continued to the June 6, 2006 Committee Meeting. **Jorge Gomez to place on committee agenda.**

Item 7:

ACTION: Referral from the April 11, 2006 City Commission Meeting. Item continued to the June 6, 2006 Committee Meeting. **Jorge Gomez to place on committee agenda.**

Item 8:

ACTION: Referral from the April 11, 2006 City Commission Meeting. Item discussed, Committee decided to focus on height restriction for the CD-2 District within the Architectural District and along the Alton Road edge. The discussion on mixed use projects FAR bonus continued along with item #7 to the June 6, 2006 Committee Meeting.

Item 9:

ACTION: Referral from the April 11, 2006 City Commission Meeting. Item discussed, the Committee decided that in residential districts: one verbal, discretionary warning; however, if illegal commercial party in single family home, no discretion, issue automatic written notice of violation.

See Agenda Items R5C and R5D.

C6C Report Of The Finance And Citywide Projects Committee Meeting On May 18, 2006: **1)** Discussion Regarding Domestic Partner Benefits Coverage Termination - Miami Beach Fraternal Order Of Police Health Trust/Fire Fighters Insurance Trust; **2)** Discussion Regarding Alternative Options To The Joint Development With The Owners Of Lot 52 Which Are: 1) Underground Parking At The Penrod Site, And 2) Underground Parking In The Park Itself; And **3)** Discussion Regarding The Status Of The Cost Of Living Adjustments That May Be Requested For Members Of The CWA Who Retired Prior To The Conclusion Of The Collective Bargaining Process.

Item 1:

See Report for the discussion.

ACTION: ITEM REFERRED BACK FOR FURTHER DISCUSSION ON THE JULY 20, 2006 MEETING. Patricia Walker to place on the agenda. **Ramiro Inguanzo to handle.**

Item 2:

ACTION: Jorge Gonzalez, City Manager presented the item. He proceeded to show maps of the different proposals and options for additional parking in the South Pointe area. He then introduced Mr. Charlie Carreño from The Related Group. He mentioned that Mr. Carreño used to be an employee of the City's Program Manager, Hazen & Sawyer, and is now working for The Related Group.

The different sketches provided represented preliminary assessment of viable possibilities for additional parking in the South Pointe area. Based on the analysis, two sites were identified as viable opportunities to pursue. These sites are located on block 52 and at the corner of Collins and South Pointe Drive (Biscayne Street), respectively.

Since neither of the lots are owned by the City, the discussion centered on the feasibility of a joint-venture with a private sector owner, staff to look at the option of a public/private garage. Upon preliminary discussion with the property owners it was later determined that a public/private venture to construct a parking garage was not currently feasible given the land costs in the area.

Currently, two opportunities have been identified to provide additional public parking in South Pointe. The first opportunity is within South Pointe Park and can be constructed with the park improvements if a decision is made expeditiously. The second opportunity is at the Pier Park surface lot (Penrods); this is a site that was included in the previous analysis with an above-ground solution. The administration is suggesting that a sub-grade solution be examined at this site. Both sites are owned by the City, although control of the Pier Park lot is shared with Penrods.

South Pointe Park

It is anticipated that construction in South Pointe Park will commence this summer. The construction is being performed by TRG as part of the Portofino Settlement Agreement. There are three alternatives for additional parking in South Pointe Park. All three alternatives locate all parking, including the added parking, in essentially the same location as the current parking lot.

Alternates 1 and 2 add spaces through minor expansion of the existing lot, by widening the north parking lot boundary by eighteen (18') feet for Alternate 1, and by widening the north and south parking lot boundaries by (18') feet each for Alternate 2. Alternate 1 adds approximately 28 spaces. Alternate 2, which includes Alternate 1, adds approximately 79 spaces (59 net from Alternate 1).

The cost per space is estimated at \$4,000 per space. This results in an estimated cost of \$112,000 for Alternate 1 and \$316,000 for Alternate 2.

Alternate 3 contemplates adding a level of parking below current grade. This would slightly modify the current proposed project as there would be two levels of parking in the eastern half of the parking lot, one below current grade and one above grade. Although the aesthetic modification to accommodate the parking lot is relatively minor, there is a significant impact to the project in terms of complexity, time, and budget in order to pursue this alternate due to it being partially underground. Issues that need to be addressed that may add time to the project include full engineering, possible requirement to go before the Design Review Board, and integration into the space in a manner that complements both the park and Smith & Wollensky. This Alternate would add approximately 135 spaces at an estimated cost of \$39,500 per space and a potential time delay of a few months to several months. This results in an estimated cost of \$5,400,000, although there is the possibility of financial participation from Smith & Wollensky if spaces could be directly allocated to them.

It should be noted that staff records of the Basis of Design Report process for the South Pointe Park project indicate a high level of concern from members of the public present at the meetings with regard to additional parking in the park.

Should the City be interested in pursuing additional parking in the Park, the staff recommendation is to pursue Alternate 2. If Alternate 3 is chosen, the City should consider discussing financial participation from Smith & Wollensky and providing them with dedicated parking in return. As noted above, the park is very close to entering the construction phase, so a decision on this should be made expeditiously in order to assure its inclusion into the current park project.

Pier Park (surface lot fronting Penrods)

The Pier Park site was ranked relatively low as the analysis focused primarily on an above-ground parking garage. A stand-alone, above-ground parking garage in this location is precluded by City Code and by the City's Comprehensive Plan.

Staff and TRG have contemplated the possibility of constructing a sub-grade parking facility similar in concept to the proposed Alternate 3 for South Pointe Park. This concept would provide one level of parking below grade and one level at current grade. The proposal would result in an estimated increase of 146 spaces and is estimated to cost approximately \$5,136,000 (\$35,178 per space). This proposal is conceptual in nature. There are permitting, planning, and engineering issues that need to be further researched before a commitment to construct this Alternate should be made. It should also be noted that initial outreach to Penrods has been made and Penrods has indicated that they would be interested in discussing this option with the City, including a potential sharing of costs.

Upon presentation of said options, there were questions and suggestions voiced. Commissioner Bower, asked how much green space would be affected if they choose to adopt option 1 and 2. Jorge Gonzalez, City Manager stated that there is little green space as it is right now, so adopting either one of these option would not affect the green space at all.

Jorge Gonzalez, City Manager stated his preference for South Pointe option 1 and 2 since it would be less time and less money invested. Vice Chairman Richard Steinberg proposed to go with option 3 provided that they can explore the phases at different levels and time. He proposed to explore the underground parking at Penrod's first.

Commissioner Matti Bower asked City Manager Jorge Gonzalez to analyze the allocation of parking ratio for other structures in the surrounding area. She stated that the City needs to make sure that they are providing parking for the intended areas and not for the primary use and benefit of businesses.

Commissioner Steinberg prompted Mr. Frank Del Vecchio for comments on the different options. Mr. Del Vecchio was representing the interest of the community and spoke about the different options

and the feedback the city should expect from residents and members of the community.

Mr. Del Vecchio stated that historically when this issue has come up in the past, the residents were opposed to building a park to accommodate the parking facilities instead of building the parking facility to accommodate the needs of the park and the residents. He also stated that in the past Smith & Wollensky has made a bad impression on the community because of their unwillingness to cooperate with the community and to work through challenges that affect the residents of Miami Beach. As a result Mr. Del Vecchio feels that if the City were to adopt option 3 the residents will feel as if the city is accommodating the needs of Smith & Wollensky and not of the resident of Miami Beach. Nonetheless he felt that if the City were to adopt Option 1 or 2 or 1 and 2 combined, that the community would not oppose the project.

Commissioner Steinberg made a motion to move forward with the South Pointe option 3 with the understanding that the Penrod option will remain on the table as a viable alternative to be re-visited, if necessary. Both Chairman Gross and Commissioner Bower second his motion.

Item 3:

ACTION: Chairman Saul Gross asked for a motion. Jorge Gonzalez, City Manager pointed out that because the item is only a discussion item, they do not need to make any motions, they could just remove the item from the agenda.

A decision was reached that retirees ~~where~~ were not entitled to a Cost of Living Adjustment as per the current CWA contract under which they retired.

C7 - Resolutions

- C7A A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 9 To The Agreement Between The City And Edwards And Kelcey, Inc., In An Amount Not To Exceed \$181,323 For Additional Construction Administration Services; \$401,804 For Resident Project Representative (RPR) Services; \$24,096 For The Pump Station Equipment Modification; \$24,468 For City Requested Changes To The Belle Isle Design; And \$20,880 For Reimbursable Expenses; For A Total Not-To-Exceed Amount Of \$652,571, Available From Previously Appropriated Funds For The Venetian Islands Neighborhood Right-Of-Way Improvement Project Comprised Of Bid Packages No. 13B - Belle Isle And Belle Isle Park, And 13C - San Marino, Di-Lido And Rivo-Alto Islands.
(Capital Improvement Projects)

ACTION: Resolution No. 2006-26204 adopted. Jorge Chartrand to handle.

- C7B A Resolution Ratifying Amendment No. 1, In The Amount Of \$555,784, To The Design/Build Agreement, For The Washington Avenue Improvements Project, Phases II, IV, And V, With Ric-Man International, Inc., Said Amendment Providing For Design, Permitting, Construction And Construction Administration Services For The Implementation Of Additional Storm Drainage And Other Miscellaneous Improvements, At 6th, 7th, 8th, 9th And 11th Streets, Related To The Drainage In The Adjacent Flamingo/Lummus Neighborhood; And Approving The Use Of Funds, In The Amount Of \$555,784, For The Amendment, From Previously Appropriated Funds For The Flamingo/Lummus Neighborhood Bid Package 10A.
(Capital Improvement Projects)

ACTION: Resolution No. 2006-26205 adopted. Jorge Chartrand to handle.

C7C Appointment Of Chief Special Master

1. A Resolution Accepting The Recommendation Of The Miami Beach City Manager And City Attorney, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Reappointment Of Jimmy L. Morales, Esquire, To Serve As Chief Special Master, Commencing July 1, 2006, And Ending December 31, 2006, Who Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; Incorporating All Other Matters Set Forth Within City Of Miami Beach City Code Chapter 30, Section 30-37(A) Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Resolution No. 2006-26206 adopted. R. Parcher to handle.

2. A Resolution Accepting The Recommendation Of The City Manager And City Attorney, Pursuant To Sections 30-36 And 102-356 Of The Code Of The City Of Miami Beach, Concerning The Reappointment Of Jimmy L. Morales, Esquire, To Serve As Chief Special Master Pursuant To Chapter 30 Of The Code And To Serve As "Designee" Pursuant To Section 102-356 Of The City Code, Commencing July 1, 2006 And Ending December 31, 2006, Who Shall Be Authorized To Hold Administrative Hearings Regarding Appeals From Citations For Violations Of City And County Codes And Ordinances, And Regarding Denials, Suspensions, And Revocations Of Occupational Licenses, Certificates Of Use And Permits As Provided By The City Code, And To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct Such Hearings Pursuant To City Ordinances.

(City Clerks Office)

ACTION: Resolution No. 2006-26207 adopted. R. Parcher to handle.

- C7D A Resolution Electing Commissioner Jerry Libbin As Vice-Mayor For A Term Commencing On July 1, 2006, And Terminating On October 31, 2006, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution No. 2006-26208 adopted. R. Parcher to handle.

- C7E A Resolution Authorizing The City Manager Or His Designee To Execute An Agreement With Miami-Dade County, For Funding In The Amount Of \$2,000,000 From The Building Better Communities General Obligation Bond Program, For The Renovation Of Old City Hall, As Approved By The Voters In The November 2, 2004 Countywide Referendum; Further Authorizing The Execution Of All Necessary Documents Related To This Agreement.

(Grants Management)

ACTION: Resolution No. 2006-26209 adopted. Judy Hoanshelt to handle.

- C7F A Resolution Authorizing The City Manager Or His Designee To Submit The Following Grant Applications: 1) Edward Byrne Memorial Justice Assistance Grant Program For FY 06/07 Grant Funds, In An Amount Not To Exceed \$70,419, For The Purpose Of Law Enforcement Equipment And Approved Technology; And, 2) Florida Department Of Law Enforcement, Byrne Grant Funds For The Records Improvement Program, In The Amount Of \$10,503, With Matching Funds Required By The City In The Amount Of \$3,501; Appropriating The Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications.

(Grants Management)

ACTION: Resolution No. 2006-26210 adopted. Judy Hoanshelt to handle.

- C7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Reconfiguration Planning Phase Agreement With Motorola, In The Estimated Amount Of \$98,744, For The Reconfiguration Of 800 MHz Channels Used In The City's Public Safety Communications System, For The Purpose Of Complying With The Sprint/Nextel Rebanding Mandate (FCC Order FCC 04-168, Dated August 6, 2004 That Modified Its Rules Governing The 800 MHz Band To Minimize Harmful Interference To Public Safety Communications Systems).

(Information Technology)

ACTION: Resolution No. 2006-26211 adopted. Gladys Acosta to handle.

- C7H A Resolution Setting A Public Hearing To Consider Naming Fire Station No. 4, Located At ~~7940 Collins Avenue~~ 6880 Indian Creek, In Honor Of Leonard "Lenny" Rubin, Who Died In The Line Of Duty In A Building Fire At The Old Carillon Hotel On March 8, 1962.

(City Clerk's Office)

ACTION: Resolution No. 2006-26212 adopted. R. Parcher to notice. Lilia Cardillo to place on the agenda. Chief Jordan to handle.

10:53:48 a.m.

- C7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Contractors Pursuant To Request For Proposals (RFP) No. 09-05/06, For Grounds Maintenance Services For Parks And Recreation; Authorizing The Administration To Enter Into Negotiations With The Two (2) Top-Ranked Proposers, Everglades Environmental Care, Inc., And Country Bill's Lawn Maintenance, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Or Agreements Upon Conclusion Of Successful Negotiations By The Administration.

(Parks & Recreation)

ACTION: Resolution No. 2006-26213 adopted. Motion made by Commissioner Bower, seconded by Commissioner Cruz; Voice vote: 6-0; Abstained: Commissioner Libbin. Kevin Smith to handle.

Commissioner Libbin announced that Country Bill is a personal client and declared a voting conflict.

Handout or Reference Materials:

1. Form 8B filed by Commissioner Libbin
2. Letter dated Friday, June 02, 2006 from Sal Rassi, Chief Financial Officer, Superior Landscaping & Lawn Service, Inc., to Mr. Jorge M. Gonzalez, City Manager, RE: RFP No. 09-05/06 – Grounds Maintenance Service.
3. Letter dated June 6, 2006 to Mr. Sal Rassi, Chief Financial Officer, Superior Landscaping & Lawn Service Inc., from Jorge M. Gonzalez, RE: Protest Letter Relative to RFP No. 09-05/06 Grounds Maintenance

Service.

- C7J A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By 6000 Indian Creek L.L.C. Pertaining To DRB File No. 19072.

(Planning Department)

ACTION: Resolution No. 2006-26214 adopted. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

- C7K A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By Southpointe Heights L.L.C. Pertaining To DRB File No. 18988.

(Planning Department)

ACTION: Resolution No. 2006-26215 adopted. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

- C7L A Resolution Ratifying A Contract, In The Total Amount Of \$159,030, To McConnell Air Conditioning Inc., To Provide For The Replacement Of Three Air Conditioning Units And Two Condensing Units At The Miami City Ballet Building.

(Public Works)

ACTION: Resolution No. 2006-26216 adopted.

- C7M A Resolution Ratifying A Contract, In The Total Amount Of \$457,319, To Laumar Roofing Services, Inc., To Provide For The Replacement Of The Roof Of The Miami City Ballet Building.

(Public Works)

ACTION: Resolution No. 2006-26217 adopted.

- C7N A Resolution Ratifying A Contract, In The Total Amount Of \$39,500, To Pro-Max Paint Corporation, To Provide For Pressure Cleaning, Waterproofing, And Painting Of The Exterior Walls Of The Miami City Ballet Building.

(Public Works)

ACTION: Resolution No. 2006-26218 adopted.

- C7O A Resolution Ratifying A Contract, In The Total Amount Of \$77,950, To Meggitt Defense Systems/Caswell, To Provide For The Repair And Replacement Needs Of The Gun Range Training Equipment At The Miami Beach Police Department Building.

(Public Works)

ACTION: Resolution No. 2006-26219 adopted.

- C7P A Resolution Ratifying A Contract, In The Total Amount Of \$93,000 To FXP Corporation, To Provide For The Replacement Of Three Air Handling Units At The Miami Beach Police Department Building.

(Public Works)

ACTION: Resolution No. 2006-26220 adopted.

10:19:15 a.m.

- C7Q A Resolution Approving Two (2) Local Agency Program (LAP) Agreements With The Florida Department Of Transportation (FDOT), In The Amounts Of \$900,000 And \$841,000, Respectively, For The Construction Of The North Beach Recreational Corridor.
(Public Works)

ACTION: Item separated by Vice-Mayor Gross. Resolution No. 2006-26221 adopted. Motion made by Vice-Mayor Gross, seconded by Commissioner Cruz. Voice vote: 7-0. Fred Beckmann to handle.

Vice-Mayor Gross wanted to commend the Administration for finding the money which helps to further the quality of life of our residents. He added that this is going to be a great extension of the Beachwalk. He stated that he wanted to point out to the Commission that there is a requirement with the grant that bicycling be allowed on the Beachwalk.

Supplemental Materials: Additional Information

- C7R A Resolution Approving A Third Amendment To That Certain Amended And Restated/Consolidated Lease Agreement By And Between The City Of Miami Beach And The Miami Beach Jewish Community Center, Inc. (JCC), For A Parcel Of Land And Facilities Located At 4221 - 4229 Pine Tree Drive, Miami Beach, Florida, Amending The Agreement To Extend The Time Periods For The JCC To Submit Plans For The Construction Of The Proposed Improvements To The Property; Obtain A Final Building Permit For The Proposed Improvements; And Such Other Changes As May Be Approved By The City Commission Subject To Final Review And Approval By The City Manager And City Attorney.

(Asset Management)

ACTION: Resolution No. 2006-26222 adopted. Ana Cecilia Velasco to handle.

10:34:00 a.m.**Supplemental Materials: Resolution**

- C7S A Resolution Approving A Lease Agreement Between The City Of Miami Beach, As Tenant, And Palm Court At 23rd Street, Ltd., As Landlord, In The Monthly Amount Of Seventeen Thousand Eight Hundred And Twenty Five (\$17,825.00) Dollars For The Property Located At 309 23rd Street, Miami Beach, Florida, To Be Used By The City For Certain Parking Department Operations, For A Two (2) Year Term, Commencing On July 1, 2006, And Ending On June 31, 2008, During Which Time Development Of Alternate Facilities To Relocate The Parking Department Operations Shall Be Considered; Further Authorizing The Mayor And City Clerk To Execute Said Lease Agreement In Addition To The Rent, Providing For Additional Build-Out Costs Not To Exceed \$70,000 For A Coin Room And Customer Service Area.

(Asset Management)

ACTION: Item separated for discussion by Jorge Gonzalez, City Manager. Resolution No. 2006-26223 adopted as amended. Motion made by Vice-Mayor Gross to authorize Jorge Gonzalez, City Manager, to negotiate the best deal for the City with both the Feligs and Bloomberg properties and execute the agreement, including the City Manager's recommendation which is that if 1801 Bay Road is the site, that Administration be authorized to take the necessary action to lease additional parking space. seconded by Commissioner Bower; Voice vote: 7-0. Ana Cecilia Velasco to handle.

Robert Middaugh, Assistant City Manager, stated that due to the construction work needed at Old City Hall it requires that the entire first and second floor be vacated. He explained that the County

Court has been relocated to the old library on Washington Avenue, SIU is being relocated to 777 but there is no space available for the Parking Department. The Administration is looking to lease space until the parking garage behind City Hall is built where ultimately the parking staff will be located.

Jorge Gonzalez, City Manager, introduced Ana Cecilia Velasco, new Asset Manager replacing long time employee Joe Damien, who retired. Her last assignment was helping the City of Cutler Bay in its incorporation and before that with the City of Doral.

Ana Cecilia Velasco, Asset Manager, explained that the Parking Department requires 7,000 square feet of contiguous space. Several locations were looked at and the best location for the two years plus needed during the construction of the garage after research was at 23rd Street on Palm Court, Mr. Bloomberg's property. She stated that this would be a turn-key operation and the second floor has everything needed to move in. It was noted that a coin room has to be constructed and it needs to have security features, and that has to be done on the first floor which is at street floor level. The landlord is able to do the build out not-to-exceed \$50,000; however, there is the option to have the Public Works and/or Property Management Department doing it internally, depending on what is the most expeditious for the City. She added that there is a time element so that work can continue at Old City Hall. In answering the City Manager's question, she explained that the property owner has agreed to an additional one-year renewal option.

Vice-Mayor Gross asked for the rental rate in the option term.

Tim Hemstreet, Assistant City Manager, stated that the rate would be the agreed upon term which is \$31 per foot, all inclusive with the exception of the electric utility. The property owner has asked on the option for the lower of CPI or 4% on the option year.

Vice-Mayor Gross stated that the Letter of Intent (LOI) needs to be changed because it has a clause that the tenant shall be responsible for the operating expense increases in the second year.

Tim Hemstreet, Assistant City Manager, explained that the term sheet is correct.

Vice-Mayor Gross stated that it is more than electricity.

Tim Hemstreet, Assistant City Manager, stated that the operating expenses are included in the square foot cost and the square foot cost may increase proportionally.

Mr. Ron Bloomberg, owner of the Palm Court building, explained that the operating expenses are all included, but for the second year what has been negotiated with the Administration is a proportionate share of the increases in the base year operating expenses.

Vice-Mayor Gross stated that he had asked in negotiations to eliminate the proportional share increases since \$31 per square foot is well above what the market is for office space and thought that those expenses be absorbed by Mr. Bloomberg.

Ron Bloomberg, owner of Palm Court, stated that his concern is taxes and insurances.

Vice-Mayor Gross stated that he wants to hear from the Feligs. This is just a business deal for the City. The only question is which company can offer the best deal and meet the City's timeframe.

Commissioner Bower agreed.

Ron Bloomberg, owner of Palm Court, stated that the LOI was negotiated but he has not seen the lease yet. Before he agrees to some type of economic concession he needs to look globally at what all of the economic concessions will be. He stated that if the City Commission is asking him to commit to the Commission that he will give consideration to the operating expenses and in fact cap it

relative to the fact that there will be no other economical concessions, he unequivocally says "yes." He would like to know what's going to happen between now and when he receives the lease document.

Jorge Gonzalez, City Manager, asked for direction as to which is the preferred building for the Parking Department. He added that he has heard, but has not seen, that there are documents that state that the owners of 1801 Bay Road Properties are talking about deeply discounting their rate, which may cause the Administration to reconsider its recommendation. He added that unless he sees a written offer from another building, the Administration's recommendation stands.

Vice-Mayor Gross stated that based on the square footage rate, which he considers high, it would be fair to eliminate the operating expenses pass-through. He added that his concern is that insurance rates are significantly increasing and he does not know if the City is going to end up having to pay for windstorm insurance in the second year at the Palm Court building. He stated that if the rate was \$27 dollars a square foot he would be happy to pay the operating expense pass-through but at \$31 dollars, no.

Solomon Felig stated that they had email the Administration and the several members of the Commission offering \$10 per square foot with insurance. He wanted to state, on the record, that they had offered the building for \$10 per square foot. He added that staff from the City visited the site but to date he has not had a response.

Vice-Mayor Gross made a motion to authorize Jorge Gonzalez, City Manager, to negotiate what Administration believes is the best deal between the Feligs and Bloomberg properties and that the Commission goes on record that it thinks the Felig's are fine landlords; seconded by Commissioner Bower. No vote taken.

Commissioner Garcia asked if the agreement would be coming back to the Commission for final approval.

Vice-Mayor Gross stated that he does not think there is time, that's the problem. He added that he believes the Felig building needs to be built out which may not work based on the timeframe and money factors needed to move out of Old City Hall.

Jorge Gonzalez, City Manager, suggested including in the motion, that if 1801 Bay Road is the site, that Administration be authorized to take the necessary action to lease additional parking space. Amendment accepted by maker of the motion.

Vice-Mayor Gross accepted the City Manager's suggestion be included in the motion.

Motion made by Vice-Mayor Gross to authorize Jorge Gonzalez, City Manager, to negotiate the best deal for the City with both the Feligs and Bloomberg properties and execute the agreement, including the City Manager's recommendation which is that if 1801 Bay Road is the site, that Administration be authorized to take the necessary action to lease additional parking space; seconded by Commissioner Bower; Voice vote: 7-0.

Commissioner Cruz asked to bring back to Commission a total cost on the build out, and take in consideration the location, if one location is better than the other, and for the record, he added that he has not seen any emails from the Feligs; however, there is no reservation on the City Commission's part to do business with them. The City is looking for the best deal for the City.

Solomon Felig stated for the record that his brother was once told to stop emailing the City so much.

Vice-Mayor Gross and Commissioner Steinberg both stated that they did not receive any emails from the Felig's on this issue.

Jorge Gonzalez, City Manager, also asked to be included in all emails.

- C7T A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 33-04/05, For Services To Administer And Implement A Post Retirement Health Investment Program; Authorizing The Administration To Enter Into Negotiations With ICMA Retirement Corporation (ICMA-RC) And Nationwide Retirement Solutions (Nationwide); And Further Authorize The Mayor And City Clerk To Execute Contracts Upon Completion Of Successful Negotiations.
(Human Resources/Risk Management)

ACTION: Resolution No. 2006-26224 adopted. Mayra Buttacavoli to handle.

10:27:48 a.m.

Addendum Item

- C7U A Resolution Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, Through His Designee, Who Shall Be The City's Property Management Director, A Licensed General Contractor, To Select, Negotiate, And Award All Contracts, Agreements, Purchase Orders, And Change Orders For The Purchase Of All Necessary Goods And Construction Services Relative To The Replacement Of The Main Fresh Water Supply Line And Backflow Prevention System Of The Irrigation System At The Miami Beach Golf Course; Providing That All Documents Be Reviewed By The Appropriate Members Of The Administration And City Attorney's Office, And Which Shall Contain Those Minimum Terms And Conditions As Set Forth In This Resolution; And Further Authorizing The Mayor And City Clerk To Execute Any And All Agreements Relative To The Aforestated Project.
(Public Works)

ACTION: Item separated for discussion by Commissioner Cruz. Resolution No. 2006-26225 adopted. Motion made by Commissioner Bower, seconded by Commissioner Cruz. Voice vote: 7-0. Fred Beckmann to handle.

Commissioner Cruz read from the Commission Item Summary: "There is an urgent need to replace the existing fresh water supply lines and backflow prevention system, due to the repeated failure of the existing and newly installed backflow preventors at the Miami Beach Golf Course which in turn, have caused the lack of adequate fresh water supply to the irrigation pumps"; and asked if this is a new system, will the City be repaid for faulty irrigation and that if they are newly installed, is there a warranty?

Robert Middaugh, Assistant City Manager, stated that the warranty period has passed; it was built as designed and the Administration believed it was simply under designed. The newly installed was referring to the golf course, not the equipment.

Vice-Mayor Gross asked if the engineers have accountability for faulty design.

Robert Middaugh, Assistant City Manager, stated that there is a question of going back to the A & E, but the Administration believes because of past experience going back to the A & E will be practically impossible to do.

Commissioner Garcia asked if the new sod (paspalum grass) which can use brackish water has anything to do with this system.

Robert Middaugh, Assistant City Manager, stated that this is one of the elements of the system. The course is watered with salt water but requires an occasional fresh water flush.

Commissioner Garcia stated that he suggested using a desalination process to irrigate the course.

Robert Middaugh, Assistant City Manager, stated that the overall process is working very nicely and has had very good reviews.

Commissioner Cruz stated that overall the grass and the irrigation is state-of-the-art and is working very well. The process has become the model in the industry. He added that the only reason he questioned it was because the item made it sound like it was new equipment which failed.

10:33:35 a.m.

New Item:

David Nevell, Esq., asked for the date of the public hearing for the DRB appeal for file 18988. It was stated that the public hearing will be held on July 12, 2006.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

10:54:46 a.m.

R5A An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Division 11, "I-1 Light Industrial District," By Requiring Conditional Use Approval For New Construction Of Structures 50,000 Square Feet And Over On The Other Affected Properties On Terminal Island And That The First Step In The Development Review Process Shall Be The Conditional Use Review By The Planning Board. Providing For Repealer, Severability, Codification And An Effective Date. **10:15 a.m. First And Only Reading And Public Hearing.**
(Planning Department)

ACTION: Public Hearing opened and continued. Motion made by Commissioner Libbin to open and continue item to July 12, 2006 at 10:15 a.m; seconded by Commissioner Bower; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.**

Jorge Gomez, Planning Director, introduced the item. He stated that this ordinance should have been amended to reflect the same change which was made to the other I-1, Light Industrial District. This will require that the Planning Board step should be first before it goes to the other Design Review Board.

Solomon Felig spoke. He asked who on Terminal Island is basically affected by this new ordinance.

Jorge Gomez, Planning Director, stated that there is the Sun Terminal site, the FPL site, and some land that is being used by the Fisher Island terminal. There are about three different property owners who would be affected.

Solomon Felig spoke about the board process. He specifically asked "what do you mean by 50,000 square foot structure"?

Mayor Dermer explained the process of a public hearing.

Jose Smith, City Attorney, stated that Mr. Felig has asked the Planning Director to issue a written opinion as to an interpretation of this ordinance. The Planning Director is researching the issue and will, in due course, advise Mr. Felig as to what his opinion is as to the interpretation of the ordinance. For the Planning Director to be stating that opinion now, without having his complete analysis may be premature.

Mr. Felig stated that this ordinance is for Terminal Island. An ordinance has already been passed for another light industrial area. He again asked: "what do you mean by 50,000 square foot structure?"

Jorge Gomez, Planning Director, stated that it is quite common for the Commission to pass an ordinance which then requires some interpretation. He stated that this question has been asked in writing by Mr. Felig's attorney and a response is being prepared. If Mr. Felig does not agree with the interpretation, he can go to the Board of Adjustment.

Vice-Mayor Gross asked if the Planning Director is comfortable with the way the ordinance is drafted.

Jorge Gomez, Planning Directory, stated that he believes the ordinance is written in such a way that it will carryout the legislative intent of the City Commission.

Frank Del Vecchio spoke.

Vice-Mayor Gross made a motion to approve the ordinance; seconded by Commissioner Steinberg. He also asked for an update on the progress of the Planning Board or staff looking at other zoning districts to expand this to. Discussion continued. No vote taken.

Jorge Gomez, Planning Director, stated that he anticipates bringing the commercial districts at the July Planning Board meeting and probably set a hearing with the Commission in the fall. The residential districts are still being studied.

Commissioner Libbin stated that since this is first and only public hearing and there seems to be an issue, perhaps the best action is to defer the item. He asked Jose Smith, City Attorney, for his opinion.

Jose Smith, City Attorney, explained that the issue in controversy is the definition of the word "structure." It may be appropriate to take a look at it and define it in a way that expresses the intent of the Commission. **Jorge Gomez to handle.**

Gary Held, First Assistant City Attorney, stated that deferring the item would be appropriate.

Motion to defer, (open and continue the public hearing), by Commissioner Libbin, seconded by Commissioner Bower; Voice vote: 7-0.

Robert Parcher, City Clerk, recommended instead of deferring to open and continue the public hearing to the July 12, 2006 City Commission Meeting at 10:15 a.m. Motion amended without objections.

Handout or Reference Materials:

1. Ad in The Miami Herald

11:14:51 a.m.

R5B Supplemental Conditional Review Criteria For Large Structures
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Creating Review Guidelines For New Structures 50,000 Square Feet And Over; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**
(Planning Department)

ACTION: Ordinance approved on first reading as amended. Motion made by Vice-Mayor Gross; seconded by Commissioner Cruz; Ballot vote: 6-1; Opposed: Commissioner Garcia. Second Reading and Public Hearing scheduled for July 12, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendment:

Page 312, Section 1 (b)(3) Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed. Jorge Gomez stated that the amendment will be reviewed and perhaps refined for second reading.

Discussion held.

Jorge Gomez, Planning Director, introduced the item.

Alexander Angueira, Esq, representing the Felig's who are the property owners, spoke.

Jorge Gonzalez, City Manager, stated that this ordinance deals with just the criteria, and not how the word "structure" is defined.

Alexander Angueira, Esq, spoke.

Vice-Mayor Gross stated that Mr. Angueira, in his presentation, referred to a May 25, 2005 memorandum, and also stated in his presentation that the actions being taken all happened recently since his client made the application in the I-1 district. The City Commission has been considering a special process for projects of large impact all the way back to 2005. That workshop long predates any action his client has taken. In addition, in 2004 there was a referendum asking the voter if they wanted to control 50,000 square foot or larger projects and the response was an overwhelmingly "yes." This Commission referred to the Planning Board a process for controlling projects 50,000 square feet or larger not just in the I-1 district but citywide. This has been an ongoing process for the last three-years. This Commission is trying to make the quality-of-life in Miami Beach better.

Mayor Dermer stated that this item was not a public hearing but this Commission gave the full opportunity for due process for Mr. Angueira to layout a record as to his rationale as to his client's position.

Motion by Vice-Mayor Gross to move the item; seconded by Commissioner Cruz. Discussion continued.

Commissioner Libbin, referencing pages 309 and 310 in the Agenda, asked if there have been any modifications to the criteria listed and asked about criteria number 3.

Jorge Gomez, Planning Director, referring to page 312 in the Agenda, number 3; read the current language. He also explained that this set of criteria is used by the Planning Board to evaluate projects. There is a standard conditional use criteria and there is additional criteria which is more

specific depending on the type of conditional use.

Jorge Gomez, Planning Director read the proposed revised language for criteria number 3. "Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed."

Vice-Mayor Gross stated, for clarification, that there is no ban on projects 50,000 square feet or larger in the district; this is a conditional use process to evaluate the adverse impact on the neighborhood. He added that these criteria have been developed in response to major use special projects which the Commission has been discussing for about three (3) years. He also asked for status of hiring the consultant to help in the process of gathering data.

Jorge Gomez, Planning Director, stated that negotiations have been underway and the contract should be on the July's City Commission Meeting Agenda.

Gary Held, First Assistant City Attorney, spoke regarding statements which were made during the discussions.

Commissioner Garcia explained why he is voting against the ordinance.

Handout or Reference Materials:

1. Email from Jorge Gomez to Robert Parcher dated June 8, 2006, RE: R5A (correction – should be R5B)

11:53:25 p.m.

R5C An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-156, Entitled "Temporary Permits," By Amending The Prohibited Areas For Construction Noise And Providing Exceptions Thereto; Providing For Codification, Repealer, Severability, And An Effective Date. **10:45 a.m. Second Reading, Public Hearing.**

(City Manager's Office)
(Continued from May 10, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3516 adopted as amended.** Motion made by Commissioner Bower; seconded by Commissioner Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Robert Middaugh to handle.

Amendment:

The ordinance voted on was distributed at the Commission meeting and amended by deleting Section 46-156 (c) in its entirety. A copy of this ordinance is in the Handout folder.

Discussion held.

Robert Parcher, City Clerk, stated for the record, that a revised ordinance was distributed on the floor.

Robert Middaugh, Assistant City Manager, introduced the item and recommended that the ordinance distributed at the Commission meeting be amended by deleting Section 46-156 (c) in its entirety.

Carter McDowell, Esq., representing Fontainebleau, spoke.

Gabriella Redfern, representing the Orchard Park Neighborhood Association and La Tour

Condominiums, spoke.

Frank Del Vecchio spoke.

Commissioner Garcia stated that he agrees with the City Manager on this item which gives the City Manager and the Building Director the authority to monitor the process. This is a win-win ordinance for everyone.

Handouts or Reference Materials:

1. Copy of the Ordinance distributed at the Commission meeting

12:15:47 p.m.

Special Announcement:

Mayor Dermer welcomed Robert Datorre Jr., his wife and daughter who were visiting from out of town and stated that speaking on behalf of the City Commission, Robert's work in the City Attorney's Office was impressive.

Robert Datorre spoke.

12:13:52 p.m.

R5D An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-156, Entitled "Temporary Permits," By Amending The Procedures And Requirements For Construction Activities And Providing Exceptions Thereto, Prohibiting Construction On Sundays And National Holidays In All Zoning Districts, Except Under Certain Circumstances As Authorized By The Building Official, Providing Provisions For The Revocation Of Temporary Permits, And Providing Subheading Titles To Be Entitled (A) "Requirements And Procedures," (B) "Violation Of Temporary Permits" And (C) "Revocation Of Temporary Permits;" Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation, Warnings" By Amending Subsection (A) To Clarify The Notice Of Violation Provisions, Amending Subsection (B)(2) To Provide Clarification As To The Number Of Written Warnings Prior To A Notice Of Violation And Providing That A Violation, Instead Of A Written Warning, Shall Be Issued If A Violator Is Also Being Cited For An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District; Amending Section 46-159 Entitled "Fines And Penalties For Violation; Appeals; Alternate Means Of Enforcement," By Providing Fines And Penalties For Any Offense Which Was Committed While The Violator Was Also Engaged In An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading.**

(City Manager's Office)

ACTION: Ordinance distributed at the Commission Meeting was adopted as amended on first reading and referred to the Neighborhoods/Community Affairs Committee. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for July 12, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Robert Middaugh to handle.

Amendment:

Item 1 - No changes

Item 2 -Vice-Mayor Gross stated that it is the consensus of the City Commission to amend the number of written warnings from three (3) to one (1) in residential areas. He requested that the Legal Department draft a section that deals with the illegal commercial uses in single family districts to clarify the issue that they are not entitled to three written warnings before the fine is imposed. Robert Middaugh and Legal Department to handle.

Item 3 - Vice-Mayor Gross referred the issue of the type of Sunday construction between first and second reading to the Neighborhoods/Community Affairs Committee without objections. Vivian Guzman to place on the committee agenda.

End of amendments.

Robert Parcher, City Clerk, stated for the record, that a revised ordinance was distributed on the floor.

Robert Middaugh, Assistant City Manager, introduced the item.

Item No. 1 - Utilization of construction days and hours.

Commissioner Libbin stated that the intent is not to allow shifting of hours to start earlier and quit early.

Commissioner Bower's concern is that if there is a request for extra hours to finish the construction quicker, the work hours are not moved to an earlier start time just to allow the workers to get off earlier in the day.

Jorge Gonzalez, City Manager, clarified that this ordinance applies for a limited period of time. He informed the City Commission that the flyover project will need the issuance of a permit for concrete pours in the evening, to prevent blocking lanes of traffic, and to accommodate the work, the hours will have to be evaluated on a case by case basis, and this ordinance will give the Administration guidance to accomplish this.

Item No. 2 – Single Family Zoning Districts.

Robert Middaugh, Assistant City Manager, stated that originally it was requested reducing the three written warnings for single family residential zoning district to one written warning. This was to target illegal uses, such as party houses which are occurring in single family districts. The language suggested is to leave the three written warnings, but insert the language that if a house is cited for improper or illegal zoning use and are cited for a noise violation, the first instance be a penalty of \$1,000 and \$5,000 if it reoccurs, to focus on the illegal or inappropriate activity and the noise that it's creating.

Jorge Gonzalez, City Manager, explained that the noise ordinance would require three (3) written warnings for commercial districts and one (1) written warning for single family homes. He added that an alternative is to allow three written warnings for residential; however, if when there is a noise violation and there is illegal activity, such as an illegal valet or a paid promoter party, it becomes a violation and a \$1,000 fine.

Commissioner Libbin stated the issue of party houses was discussed at the Land Use and Development Committee meeting held yesterday and there should be an absolute zero tolerance for party houses.

Commissioner Steinberg asked what happens if a citation is given to an illegal party and under the section they appeal and it is determined that the City cannot prove their case. Does it default to a written warning?

Robert Middaugh, Assistant City Manager, stated that everything is premised on an adjudication of guilt for an illegal activity. If found not guilty the violation would revert to the normal fine or written warning under the noise ordinance.

Jorge Gonzalez, City Manager, suggested that language should be added to the ordinance that if at Special Master it is determined that it was your private home and party, that the noise violation is

processed as scheduled according to the number of warnings issued previously. If it's more than three violations then fines are assessed. **Robert Middaugh to add to the ordinance.**

Vice-Mayor Gross stated that he thinks three warnings in a residential area are too many. There should be one written warning and the next one should be a violation.

Amendment:

Vice-Mayor Gross stated that it is the consensus of the City Commission to amend the number of written warnings from three (3) to one (1) in residential areas. He requested that the Legal Department draft a section that deals with the illegal commercial uses in single family districts to clarify the issue that they are not entitled to three written warnings before the fine is imposed. Robert Middaugh and Legal Department to handle.

Item No. 3 – Sunday Construction

Robert Middaugh, Assistant City Manager, introduced the item and stated that there needs to be some guidance. The current ordinance has no Sunday construction.

Vice-Mayor Gross stated that the question is indoors or outdoors. He stated that at the last meeting it was clearly stated that indoor work is okay. The more difficult question is how does one tell a homeowner that they can't for example, install a gutter or work on their storm shutters.

Commissioner Bower stated that Sundays is when most of the illegal construction takes place.

Vice-Mayor Gross stated that the question is how does one distinguish a property owner versus a contractor. He stated that he does care if work is being done on the inside, but on the outside, absent an emergency, contractor work should not be allowed on Sunday in a residential district.

Commissioner Steinberg asked about post-hurricane repairs being considered.

Robert Middaugh suggested adding language which deals with community-wide impact events such as post-hurricane exception. **Robert Middaugh to handle.**

Vice-Mayor Gross referred the issue of the type of Sunday construction between first and second reading to the Neighborhoods/Community Affairs Committee without objections. Vivian Guzman to place on the committee agenda. Robert Middaugh to handle.

Carter McDowell, Esq., spoke.

Jorge Gonzalez, City Manager, stated that the Administration is looking at indoor/outdoor type of construction and intrusive and non-intrusive type construction. He added that criteria needs to be defined. **Robert Middaugh to handle.**

Frank Del Vecchio spoke.

Gabrielle Redfern spoke.

Handout or Reference Materials:

1. Ordinance distributed on the floor at the meeting.

5:32:25 p.m.**R5E Residential Performance Standard Requirements**

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations" Article II, "District Regulations" Division 18, "PS Performance Standard District," Amending Section 142-696 "Residential Performance Standard Area Requirements," By Amending The Maximum Building Height In The R-PS4 Zoning District; Amending Section 142-697 "Setback Requirements In The R-PS1, 2, 3, 4 Districts," To Provide For Additions To Follow The Existing Building Line And Modifying The Tower Setbacks; Providing For Codification, Repealer, Severability And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance approved on first reading. Motion made by Vice-Mayor Gross; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for July 12, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Jorge Gomez, Planning Director, introduced the item on first reading.

3:29:58 p.m.**R5F Nonconforming Gasoline Service Stations**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IX, "Nonconformances," Section 118-395 To Add New Subsections For Nonconforming Gasoline Service Stations; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**

(Planning Department)

ACTION: The ordinance distributed at the Commission meeting was approved on first reading as amended. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for July 12, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendment:

Commissioner Steinberg recommended amending Section 4, to non-severable. The amendment was accepted without objections.

End of amendment.

Jorge Gomez, Planning Director, stated for the record, that a revised ordinance was distributed on the floor.

Jeffrey Bercow, Esq. stated that he has seen the revised ordinance and is favor of the revisions.

Handout or Reference Materials:

1. Ordinance distributed on the floor at the meeting.

5:34:23 p.m.

R5G Planning Board Review Criteria Pursuant To The Requirements Of Subpart A Of The City Charter, Section 1.03(B)3.

An Ordinance Amending Chapter 118, Of The City Code Entitled, "Administration And Review Procedures," By Amending Division 2, "Planning Board," Section 118-51, "Powers And Duties," By Including Criteria For The Review Of The Sale, Exchange, Conveyance Or Lease Of Ten Years Or Longer Of Such City Property, As Provided In City Charter, Section 1.03(B)3; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Planning Department)

ACTION: The Administration's version of the ordinance was approved on first reading as amended. Motion made by Vice-Mayor Gross; seconded by Commissioner Cruz; Ballot vote: 5-2; Opposed: Commissioners Bower and Steinberg. Second Reading and Public Hearing scheduled for July 12, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendments:

1. Administration's version of the ordinance Section 118-51(11) items a through e were approved.
2. Planning Board's version Section 118-51(11) items f and h were amended as follows:
 - f: Determination as to whether or not the proposed use is in keeping with a public purpose and community needs, ~~such as expanding the city's revenue base, reducing city costs, creating jobs, creating a significant revenue stream,~~ and improving the community's overall quality of life.
 - g: deleted
 - h: If a lease is proposed, the duration and ~~basic terms~~ other non-financial terms of the lease.

End of Amendments.

Jorge Gomez, Planning Director, introduced the item.

Commissioner Garcia stated that this ordinance creates a monster Planning Board so why not call for a referendum to make the positions on the Planning Board elected.

Jorge Gonzalez, City Manager, stated that when the referendum was passed it called for an ordinance to be established to contain the criteria which will be evaluated. He stated that the suggestion is to use the Shapiro Ordinance and use it as the criteria. There are elements of the Planning Board's version of the ordinance, Agenda page 362, letters f, g and h, which have to do with the financial terms of the agreement and should be reserved for the City Commission.

Commissioner Steinberg suggested a compromise position by accepting letters a through e, however, he believes it would be beneficial for the Commission to have input from the Planning Board, at their discretion, on the other three (3) items (f, g and h – Planning Board Ordinance).

Motion made by Commissioner Steinberg on the above, seconded by Commissioner Bower as amended; Ballot vote: 2-4; Opposed: Vice-Mayor Gross and Commissioners Cruz, Garcia and Libbin; Absent: Mayor Dermer. Motion failed.

Motion made by Commissioner Libbin to approve the Administration's recommendation; seconded by Commissioner Garcia; Ballot vote: 4-2; Opposed: Commissioners Bower and Steinberg; Absent: Mayor Dermer. Motion fails because 5 votes are needed.

Discussion continued.

Motion made by Vice-Mayor Gross to approve with the amendments below; seconded by Commissioner Cruz, Ballot vote: 5-2; Opposed: Commissioners Bower and Steinberg.

Amendments:

1. Administration's version of the ordinance Section 118-51(11) items a through e were approved.
2. Planning Board's version Section 118-51(11) items f and h were amended as follows:
 - f: Determination as to whether or not the proposed use is in keeping with a public purpose and community needs, ~~such as expanding the city's revenue base, reducing city costs, creating jobs, creating a significant revenue stream,~~ and improving the community's overall quality of life.
 - g: deleted
 - h: If a lease is proposed, the duration and ~~basic terms~~ other non-financial terms of the lease.

5:44:46 p.m.

R5H An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, OPIEU Local 100, (GSAF), In Accordance With The Negotiated Agreement; Retroactively Effective In The First Pay Period Ending In October Of 2003, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective With The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective In The First Pay Period Ending In October 2005, There Shall Be An Across The Board Wage Increase Of One Percent (1%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Percent (1%); Amending The Minimum And Maximum Of The Pay Ranges To Reflect The Present Classification And Pay System Applicable To The Unclassified Classifications; Repealing All Ordinances In Conflict; Providing For Severability, Effective Date And Codification.
First Reading.

(Human Resources)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Garcia; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for July 12, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Buttacavoli to handle.

R7 - Resolutions**11:48:50 a.m.**

R7A A Resolution Approving, Following A Duly Noticed Public Hearing Held On June 7th, 2006, An After-The-Fact Revocable Permit To AB Green Raleigh LLC (The Applicant), As The Owner Of The Raleigh Hotel, Located At 1775 Collins Avenue, Miami Beach, Florida, To Retain Portions Of Existing Encroachments In The Adjacent 18th Street End Right-Of-Way, East Of Collins Avenue, Consisting Primarily Of A Portion (West End) Of The North Privacy Wall Surrounding The Hotel Pool Deck, Reconfigured Steps And Landing On The North Entrance, And Columns And Certain Landscaping Framing The North Driveway Exit; Accepting The Recommendations Of The City Administration And Finding That The Criteria For Granting Said Revocable Permit, Pursuant To Section 82-94 Of The City Code, Have Been Satisfied; Provided Further That Said Permit Is Approved And Granted To The Extent Provided In, And Subject To And Contingent Upon, The Conditions Set Forth In This Resolution (Including But Not Limited To Applicant's Removal Of All Other Encroachments Within The Right-Of-Way, Including, Without Limitation, Existing Landing And Portion Of The Existing Stairs, Certain Other Walls, A Trash Enclosure, An Underground Storage Vault, Columns, And Other Landscaping). **10:30 a.m. Public Hearing.**

(Public Works)

(Continued from May 10, 2006)

ACTION: Public Hearing held. **Resolution No. 2006-26226 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Fred Beckmann to handle.

Fred Beckmann, Public Works Director, introduced the item.

Neisen Kasdin, Esq., representing AB Green, owner of the Raleigh Hotel, spoke. He thanked Fred Beckmann and Fernando Vasquez for their efforts.

12:49p.m.

R7B A Resolution To Consider At A Public Hearing An After-The Fact Revocable Permit Request By Mr. Michael R. Buckner And His Wife Margo Buckner, Owners Of The Property Located At 6120 La Gorce Drive, To Retain An Iron Gate, Columns, Hedges, Canvas Canopy And Portion Of A Wood Deck Located Within The Adjacent Apache Avenue City Right-Of-Way. **11:00 a.m. Public Hearing.**
(Public Works)

ACTION: Public Hearing opened and continued to July 12, 2006 at 11:00 a.m. Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald
2. Letter from Ray Breslin dated May 27, 2006 to City Commission, RE: After the fact revocable permit.
3. Letter from Florida Real Estate Decisions, Inc., to City of Miami Beach Planning Department, dated October 20, 2005 with attachments (ownership list, map and mailing labels).

6:22:16 p.m.

R7C A Resolution Approving And Appropriating \$991,850 From Parking Revenue Bond Fund No. 481 For The Wireless (WiFi) Upgrade Of 250 Existing Multi-Space Parking Pay Stations (Phase I) And The Purchase And Installation Of 250 Wireless (WiFi) Enabled Multi-Space Parking Pay Stations (Phase II).

(Parking Department)

ACTION: Resolution No. 2006-26227 adopted. Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Patricia Walker to appropriate funds. Saul Frances to handle.

4:49:23 p.m.

R7D A Resolution Approving, On First Reading, A Lease Agreement Between The City And The Log Cabin Enterprises, Inc., For Use Of Approximately 52,000 Square Feet Of City-Owned Property, Located On The West Side Of Collins Avenue Between 81st And 82nd Streets, Miami Beach, Florida, More Specifically Defined As Those Parcels Of Land Known As Lots 1-6 Of Block 81, Altos Del Mar No. 1, PB 31-40 For An Initial Three (3) Year Term Commencing On August 1, 2006, And Ending On July 31, 2009, With Two (2) Additional Three (3) Year Renewal Terms, At The City's Sole Discretion; Further Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Further Setting A Public Hearing On July 12, 2006, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading.**

(Asset Management)

ACTION: Title of Resolution read. **Resolution No. 2006-26228 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote: 7-0. Second Reading and Public Hearing scheduled for July 12, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Ana Cecilia Velasco to handle.

4:54:35 p.m.

R7E A Resolution Approving, On First Reading, A Lease Agreement Between The City And The Boys And Girls Club Of Miami, Inc., For Use Of The One Story Building Located Within Flamingo Park, Encompassing Approximately 4,450 Square Feet Of City-Owned Property, For An Initial Three (3) Year Term, Commencing On August 1, 2006, And Ending On July 31, 2009, With Two (2) Additional Three (3) Year Renewal Terms, At The City's Sole Discretion; Further Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Further Setting A Public Hearing On July 12, 2006, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading.**

(Asset Management)

ACTION: Title of Resolution read. **Resolution No. 2006-26229 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for July 12, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Ana Cecilia Velasco to handle.

4:51:01 p.m.

R7F A Resolution Approving, On First Reading, A Lease Agreement Between The City And Sunrise Community, Inc., For Use Of Approximately 2,500 Square Feet Of City-Owned Property, Located At 8128 Collins Avenue (On The West Side Of Collins Avenue Between 81st And 82nd Streets) For The Purpose Of Operating And Managing A Vocational Training Site For Developmentally Disabled Adults, Said Lease Having An Initial One (1) Year Term, Commencing Retroactively On September 1, 2005, And Ending On August 31, 2006, With Two (2) Additional One (1) Year Renewal Terms, At The City's Sole Discretion; Further Waiving By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Further Setting A Public Hearing On July 12, 2006, For The Second Reading (And Final Approval) Of The Lease Agreement. **First Reading.**
(Neighborhood Services)

ACTION: Title of Resolution read. **Resolution No. 2006-26230 adopted.** Motion made by Commissioner Cruz; seconded by Commissioner Libbin; Voice vote: 7-0. Second Reading and Public Hearing scheduled for July 12, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Ana Cecilia Velasco to handle.

6:22:26 p.m.

R7G A Resolution Approving An Agreement Between The City And Camp Dresser & McKee Inc. (CDM), In The Amount Of \$850,000, For Digital Conversion Of Data For The Water Distribution, Sanitary Sewer Collection, Stormwater Conveyance, Streets And Streetlighting Infrastructure; All Toward The Continuing Development And Implementation Of A Geographic Information System (GIS) Pursuant To RFP No. 64-02/03 For The Infrastructure Management System (IMS); Authorizing The Mayor And City Clerk To Execute An Agreement With CDM; And Further Appropriating Funds, In The Amount Of \$270,000, From The Water, Sewer And Stormwater Retained Earnings To Complete The Funding For This Contract; Plus The Purchase Of GIS Related Equipment And Project Contingency.
(Public Works)

ACTION: Resolution No. 2006-26231 adopted. Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Patricia Walker to appropriate funds. Fred Beckmann to handle.

4:52:19 p.m.

R7H A Resolution Amending Resolution No. 99-23225, Expanding Parking Areas For Restricted Residential Permit Parking Zone One (South Pointe) On The Northside Of 4th Street, Between Alton Road And Euclid Avenues, And On The 400 Blocks Of Euclid, Meridian, Jefferson, Michigan, And Lenox Avenues, Respectively, As Provided In Section 106-78 Of The Miami Beach City Code. **Public Hearing.**

(Parking Department)

ACTION: Public Hearing held. **Resolution No. 2006-26232 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote: 7-0. Saul Frances to handle.

Leo Ostreicher spoke in favor of creating the parking zone.

Commissioner Steinberg asked to make sure that the process after-the-fact as far as analyzing the usages that the City Commission has requested are taking place, not only in this district, but in all the districts. **Saul Frances to handle.**

Saul Frances, Parking Director, stated that they have come up with some quantitative criteria and

surveys to do in each one of the districts to do that analysis.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION:

Committee for Quality Education in Miami Beach

6/30/07	Trici Swalina	Rep. of the PTA North Beach Elem. School	Term expires
6/30/07	Michele Khatmor	Rep. of the PTA Feinberg-Fisher Elementary	Term expires
6/30/07	Karen Rivo	Rep. of the PTA Miami Beach Sr. High	Term expires

Community Development Advisory Committee

12/13	Karen Fryd	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL
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Miami Beach Commission on Status of Women

12/13	Elissa Ragone	Term expires 12/31/06	Appointed by Commissioner Garcia	TL
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Oversight Committee for General Obligation Bond

Theodore Berman as a member representative of the Planning Board

Transportation and Parking Committee

12/13	Joseph (Josh) Fisher	Term expires 12/31/07	Appointed by Commissioner Gross	TL
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R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)

ACTION: Not reached.

6:24:00 p.m.

Supplemental Material: (additional appointment)

R9A1 Appointment Of Erik Schlein, Steve Hertz, And Daniel Veitia To The Normandy Shores Local Government Neighborhood Improvement Committee.
(Requested by Commissioner Jerry Libbin)
(Additional Appointment)

ACTION: Item deferred to July 12, 2006. Legal Department to handle to review dual office holding.

10:14:46 a.m.

R9A2 Nomination Of Yamile Jimenez-Soto As Tenant Commissioner For The Miami Beach Housing Authority.

(Requested by Mayor David Dermer)

ACTION: Motion made by Commissioner Steinberg to confirm Mayor Dermer's appointment of Yamile Jimenez-Soto to the Miami Beach Housing Authority, Tenant Commissioner, for a term expiring 10/11/2008; seconded by Vice-Mayor Gross; Voice-vote: 6-0; Absent: Commissioner Cruz. R. Parcher to handle.

Yamile Jimenez-Soto spoke.

New Item:**6:35:09 p.m.**

Mayor Dermer announced the appointment of Kathie Brooks to the Police and Fire Pension Board. Term ending upon the appointment of a successor per Celia Locke.

City Clerk's cross reference: City Pension Fund for Firefighters and Police Officers in the City of Miami Beach

4:25:49 p.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

1. Lewis Levey, Esq., spoke regarding the new Beach High School and the issue that there does not seem to be anybody giving enough attention to physical education, (P.E.), for the high school students. There will not be a track or field. He added that Flamingo Park can be used for football or soccer but during the day when the kids have P.E., it's in the gym, basketball or dodge ball.

Jorge Gonzalez, City Manager, stated that the Administration is working with the school administration to try to find alternative locations not only for the field but for music rooms as well.

Lewis Levey, Esq., stated that he would like the Commission to appoint a committee to look into this matter.

Commissioner Libbin stated that there could be some community workshops and a ballot question could be placed on the November ballot to let the voters decide. He made a motion to hold some workshops, and explain the alternatives. No second offered.

Mayor Dermer stated that before something like this is voted on, it should be part of an agenda item.

Commissioner Libbin asked if the discussion should be done in a Commission Committee.

Mayor Dermer stated that he doesn't mind having the City Commission hear the item; he just wants it on an agenda and noticed.

Motion made by Commissioner Libbin to refer the issues to the Land Use and Development Committee; seconded by Commissioner Steinberg; Voice vote: 2-5; Opposed: Mayor Dermer, Vice-Mayor Gross, and Commissioners Bower, Cruz and Garcia. Referral did not pass.

Jorge Gonzalez, City Manager, stated that the Bayshore Neighborhood has a website dedicate almost exclusively to this issue and their membership drives revolve around making the Par-3 golf course.

Vice-Mayor Gross stated that the proper forum, in his opinion, is to go to Bayshore Neighborhood Association to try to have a dialogue with them.

Laura Levey spoke.

2. Robert Parcher, City Clerk, stated, for the record, that Bunny Patchen distributed an email titled FONSI / ROD for MIA Noise Abatement Procedures.

Handout or Reference Materials:

1. Email from Bunny Patchen dated May 26, 2006 RE: FONSI/ROD for MIA Noise Abatement Procedures.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

6:29:42 p.m.

- R9C Discussion Regarding The Elimination Of The Ability To Avoid Building Required Parking In The Flamingo Park Local Historic District By Paying Impact Fees.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Item referred by Commissioner Bower to the Land Use and Development Committee without objections. Jorge Gomez to place on the committee agenda and handle.

4:55:55 p.m.

- R9D Discussion Regarding A Proposed Charter Amendment Calling For A Public Vote For The November 7 Ballot, Prior To Transfers Of City Interest In Public Rights Of Way.
(Requested by Mayor David Dermer)

ACTION: Discussion held. There was consensus to approve this item and a resolution will be placed on the July 12 Commission Meeting call for a special election for a Charter amendment. Jorge Gomez and Legal Department to handle.

Mayor Dermer introduced the item and presented a map of beach areas points and added that the intent of this item is to preserve the beach street ends, and in order to prevent giving access points away. He stated that the Charter should include a provision that if anyone wants to do anything with more than 10% as far as the transference of the public land then it must go to public vote. Why 10% because there may be certain situations requiring ADA compliance or the City needing to do improvements.

Commissioner Bower asked if it is stated where the 10% can be.

Fred Beckmann, Public Works Director, stated that it is 10% of the total width of the right-of-way.

Commissioner Steinberg thanked the Mayor for bringing this item up. He wanted to clarify for the record in case it ever becomes an issue. The 10% would be a baseline of today; It would not be

something that incrementally gives the 10% and in a couple of years come back for more and more.

Mayor Dermer stated that it freezes at the time of passage; you only get one shot. This is the legislative intent and needs to be part of the record.

Commissioner Steinberg also stated that if there are neighbors on the other side, do we want it to be 5% for each side.

Jorge Gomez, Planning Director, stated that the way he envisioned it working was that each side of the right-of-way would get 10%, so for a 50 foot wide street there would be 40 feet of clear space. He also recommended that instead of a percentage to say no more than 5 feet.

Vice-Mayor Gross stated that instead of 10% it should be 1% or 2%.

Raul Aguila, First Assistant City Attorney, stated that this is a higher scrutiny; this is not going to supercede the existing procedures, which are the revocable permit and vacation requests. Today's action with the Raleigh Hotel would have been considered a de minimis use. Without the 10% then it would have required a referendum.

Mayor Dermer stated that there is general consensus in favor of putting the issue on the ballot. He will bring it back for the next meeting and thanked the Commissioner for their support.

Handouts or Reference Materials:

1. Memorandum from Jean K. Olin, Deputy City Attorney to Robert Parcher, City Clerk, dated May 23, 2006
RE: Proposed Charter Amendment for the November 7 Ballot with three-page attachments.

6:35:30 p.m.

- R9E Discussion And Referral To The Planning Board - Conditional Use Review For New Construction That Exceeds 1.0 FAR Up To Maximum 1.25 FAR In The Flamingo Park Local Historic District: An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," Section 142-153, "Conditional Uses," By Providing For Conditional Use Review By The Planning Board Of New Structures In The Flamingo Park Local Historic District That Are Over 1.0 Floor Area Ratio (FAR), But Not To Exceed 1.25 FAR.
(Planning Department)

ACTION: Item referred to the Planning Board without objection. Jorge Gomez to handle.

12:50:04 p.m.

3:32:42 p.m.

- R9F Request By The Miami Design Preservation League And Affected Persons To Review A Board Decision Pertaining To DRB File No. 18871. **11:15 a.m. Public Hearing.**
(Planning Department)

ACTION: Public Hearing held. Discussion held. **Resolution 2006-26233 adopted as amended. Motion made by Commissioner Cruz to remand back to the Design Review Board based on 1) There was not procedural due process because of the lack of time to review the plans, and 2) The erroneous instruction given by Chair that the FAR could not be reduced contrary to the instruction of legal counsel, seconded by Commissioner Bower; Ballot vote: 7-0.** Thomas Mooney to place on the committee agenda and handle.

Jorge Gomez, Planning Director, introduced the item and recommended approval of the DRB File No. 18871 pertaining to the development project at 929-939 Alton Road.

Bill Farkas, MDPL Executive Director, spoke. Presentation made.

Mark Needle, affected property owner, spoke.

Maria Gralia, Esq., Shutts & Bower LLP, presented her case.

Steve Maher, Esq., Shutts & Bower, LLP, summarized the legal case.

Mark Needle provided a rebuttal.

Gary Held, First Assistant City Attorney, stated that Exhibit A submitted by Appellee, should be disregarded because it was not part of the record.

Maria Gralia, Esq., Shutts & Bower LLP, rebutted Gary Held's remark above.

Vice-Mayor Gross asked the City Attorney for a legal opinion.

Jose Smith, City Attorney, stated that a similar issue came up in the past, the Labruzzo case, and the Commission reversed the finding by the DRB, and the matter went to the Appellate Division of the City Court which reversed the Commission's decision.

Gary Held, First Assistant City Attorney, stated that the Commission cannot reach a decision substituting their judgment for the DRB. The Commission has to find that the DRB ruled in error.

Kobe Carp, project Architect, spoke.

Discussion continued.

Motion made by Commissioner Cruz to remand back to the Design Review Board based on 1) there was not procedural due process because of the lack of time to review the plans, and 2) the erroneous instruction given by Chair that the FAR could not be reduced contrary to the instruction of legal counsel, seconded by Commissioner Bower. Ballot vote: 7-0.

Discussion continued.

William Cary, Assistant Planning Department Director, spoke.

Handout or Reference Materials:

1. Ads in The Miami Herald
2. Black binder book titled Alton SoBe, LLC's Response to Appeal of Design Review Board Final Order File No. 18871 with cover letter from Maria A. Gralia, Shutts Bower LLP, dated June 5, 2006 delivered via courier to the City Clerk's Office including plans and transcripts.
3. Memorandum from Robert E. Parcher, City Clerk to Mayor David Dermer, Vice-Mayor Saul Gross, Commissioner Bower, Commissioner Cruz, Commissioner Garcia, Commissioner Libbin, Commissioner Steinberg, City Manager Jorge Gonzalez and City Attorney Jose Smith, dated June 5, 2006 RE: Transmittal of "Response to Petitioners Statement for Appeal of Design Review Board Final Order, File No. 18871."
4. Letter from Miami Design Preservation League to Honorable Mayor and Commissioners City of Miami Beach, dated March 23, 2006, RE: Appeal of Final Order, Design Review Board File No. 18871 (MCR No. 283161) and copy of Check No. 2019 in the amount of \$400.00 payable to the City of Miami Beach, and

an email from Thomas Mooney to Robert Parcher RE: DRB Appeal fees).

5. Copy of Check No. 2019 payable to the City of Miami Beach for \$400 from Miami Dade Preservation League, Inc., dated April 12, 2006.
6. Copy of MCR No. 283161 for \$400 received from MDPL dated 4/21/06.
7. Email from Thomas Mooney dated March 29, 2006 RE: DRB Appeal.
8. Roll call sheet
9. Design Review Criteria/Historic Review Criteria from Mark Needle dated June 7, 2006.

5:13:45 p.m.

- R9G Discussion Regarding A Resolution Urging Miami-Dade County To Adopt An Amendment To Chapter 1 Of The Florida Building Code Giving All Municipalities The Authority To Deny New Permits To Contractors With Open And Expired Permits, Subject To The Building Official's Discretion.
(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held. **Item referred to the Land Use and Development Committee without objection.** Jorge Gomez to place on the committee agenda. Thomas Velazquez to handle.

Thomas Velazquez, Building Official, spoke.

6:30:11 p.m.

- R9H Discussion Regarding An Amendment To The City Center Redevelopment Plan, For The Purpose Of Allowing Funds To Be Used To Purchase And/Or Renovate Buildings Within The RDA And Make Units Within Those Buildings Available As Workforce Housing.
(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held. **Item referred to the Finance and Citywide Projects Committee without objection.** Patricia Walker to place on the agenda. **Kathie Brooks, Kevin Crowder and Kent Bonde to handle.**

Commissioner Libbin asked to refer the item to the Neighborhoods/Community Affairs Committee; preferably in July.

Jorge Gonzalez, City Manager, respectfully suggested that the item should be referred to Finance and Citywide Projects Committee.

Discussion held.

Vice-Mayor Gross agreed with Jorge Gonzalez, City Manager; and explained that he had asked the Finance and Citywide Projects Committee to take a look at updating the Master Plan for the City Center, where the money is, especially in light of the New World Symphony request for additional dollars, the Convention Center and Cirque du Soleil.

Commissioner Libbin stated that this issue has been discussed several times and it has been somewhat frustrating trying to get progress on creating workforce housing units. He added that this is an opportunity and he has no objections referring the item to the Finance and Citywide Projects Committee, but the issue needs to be looked at proactively.

Commissioner Bower stated that this issue was discussed at the Commission Retreat, and she thought that affordable housing was the issue here. She wants to know if the issue being discussed is about affordable housing on the workforce housing as semantics or is it the issue that was put to rest at the Commission Retreat being addressed again.

Commissioner Libbin clarified that his intent was to explore the question of whether or not the plans should be amended so dollars can be used to help create units; he added that at the Commission Retreat he thought that there was consensus built that if the City was able to develop units, the Commission might want to have 30% to meet a particular income level.

Jorge Gonzalez, City Manager, clarified that the consensus at the Commission Retreat was that a strategy would be focused first on retention of the existing units, and that the City would focus efforts, if any, on senior affordable housing.

Commissioner Libbin again asked: 1) does the City want to create affordable housing; 2) does the Commission want to amend the plans to potentially use vast resources that could be available over the next 16 years to address the issue of the shortage of affordable housing. He added that he had no objections referring this item to the Finance and Citywide Projects Committee.

Discussion held.

Mayor Dermer stated that the item would be referred to Finance and Citywide Projects Committee without objections.

6:02:19 p.m.

R9I Discussion Regarding Memorial Day Weekend, Associated City Expenses And Projected Financial Impact.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held.

Commissioner Garcia gave his overview of the Memorial Day Weekend and asked how much money this event is costing the City as compared to past years.

Jorge Gonzalez, City Manager, stated that the weekend went without major incidents except for one unfortunate incident that could have happened anywhere in America. This year's event showed thinner crowds than in years past, probably more local crowds; hotel occupancy was in the 90% ranges, and the weekend was shorter in nature as compared to past years. The police department was in full presence, from the City's Police Department to other police officers from other municipalities; the arrest level was much higher than in other years, partly due to strategy and resources. All departments did an extraordinary work, streets were cleaned as soon as the crowds dissipated, Code Compliance distributed 22 violations, and 80 tons of litter was picked up, 75% of them being flyers.

Commissioner Garcia stated that Code Officers were leaning hard on the City's merchants and that is a problem.

Jorge Gonzalez, City Manager, explained that the Administration has had conversations with hoteliers, merchants and Code Compliance, and added that during these weekends help is needed from commercial vendors in maintaining the streets. He explained that the MacArthur Causeway closed only once for a two-hour period, after the Miami Heat game which backed up the causeway. He explained that out of the arrests, 40% were from Miami-Dade County and 30% from Florida; only 49 of them were beach residents. He also added that 76 guns were confiscated as part of the arrests. As far as the costs, he informed that the City spent nearly \$1 million and the numbers are still coming in. Miami-Dade County will probably spend about \$250 to \$300,000.

Commissioner Garcia asked if part of the costs could be passed along to Miami-Dade County. He recognized the Police Department for a good job.

Commissioner Bower also praised the Police Department for a job well done during that weekend as well.

Jorge Gonzalez, City Manager, reiterated that this is a Major Special Events Plan, a one-time a year where all the elements come together and although the Police Department is essential, the message to be sent is that the public is safe during this weekend. These events are costly to the City and a lot

of resort taxes are collected, and from past experience, hotels get increase in occupancy, nightclubs do well and others do not benefit as well. If the City can secure more funding from Miami-Dade County that would always be helpful.

Vice-Mayor Gross asked what special events permits were issued during this weekend.

Jorge Gonzalez, City Manager, answered that no special events permits were issued and what the City does is adequately staff and prepare for these types of street parties.

Commissioner Bower clarified that the first event was spontaneous, the promoters and nightclub owners decided to hold events, and once this started, the idea was followed, and many of the nightclubs and hotels started doing this in private property, and that is why it took the City by surprise the first year. This is an event in the City of Miami Beach but it is a private business event.

Vice-Mayor Gross stated that many residents leave town on Memorial Day due to the congestion, and asked how can people reclaim their holiday.

Commissioner Libbin suggested planning a family Memorial Day event.

Jorge Gonzalez, City Manager, stated that his main concern is that it might stretch resources thin, and the problem may be further aggravated.

5:28:28 p.m.

R9J Discussion Regarding The Timetable For Election Or Appointment To Fill The Possible Vacancy Of The Group V Commission Seat.

(Requested by Mayor David Dermer)

ACTION: Discussion held. **Commissioner Steinberg made a motion to express the sentiment of the Commission that they are in favor of an election, should there be a vacancy in Commissioner Garcia's seat for November, and to have a resolution on the July 12 Commission Agenda; seconded by Commissioner Libbin; Voice vote: 7-0.** Legal Department to prepare the resolution. Lilia Cardillo to place on the Commission Agenda. R. Parcher to handle.

Mayor Dermer stated that the Clerk's office needs guidance.

Commissioner Garcia explained that pursuant to Florida Statutes his intention is to turn in his resignation letter in the next couple of weeks.

Mayor Dermer asked if there is support for holding an election.

Commissioner Steinberg stated that at the Commission Retreat there was support to hold an election and added that he still supports holding an election.

Commissioner Steinberg made a motion to express the sentiment of the Commission that they are in favor of an election, should there be a vacancy in Commissioner Garcia's seat for November, and to have a resolution on the July 12 Commission agenda; seconded by Commissioner Libbin; Voice vote: 7-0.

Jorge Gonzalez, City Manager, suggested preparing a resolution for the July 12, 2006 meeting.

- R9K Discussion Regarding The Relationship Between The Information Technology Department, Finance Department And Cyborg System.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Item deferred by Commissioner Garcia. Lilia Cardillo to place on the Commission Agenda.

5:28:31 p.m.

- R9L Discussion Regarding Fire Inspection Fee In The 2006/07 City Budget.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Item referred to the Finance and Citywide Projects Committee. Patricia Walker to place on the committee agenda. **Kathie Brooks to handle.**

- R9M Discussion Regarding Entering Into Public/Private Partnerships To Develop The Surface Parking Lot At 1625 West Avenue Into Workforce Housing.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Item deferred by Commissioner Garcia. Lilia Cardillo to place on the Commission Agenda.

Reports and Informational Items

- A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

- B Parking Status Report - April 2006.

(Parking Department)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

- D Status Report On The Construction Of Fire Station No. 4.

(Capital Improvement Projects)

ACTION: Written report submitted.

- E Status Report On The Normandy Isle Park And Pool Project.
(Capital Improvement Projects)

ACTION: Written report submitted.

- F Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Procurement)

ACTION: Written report submitted.

- G Non-City Entities Represented By City Commission:
1. Minutes Form The Performing Arts Center Trust Board Meeting On March 28, 2006 And
Agenda For The May 30, 2006 Meeting.
(Requested by Commissioner Matti Herrera Bower)

End of Regular Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

June 7, 2006

Chairman of the Board David Dermer
 Member of the Board Matti Herrera Bower
 Member of the Board Simon Cruz
 Member of the Board Luis R. Garcia, Jr.
 Member of the Board Saul Gross
 Member of the Board Jerry Libbin
 Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
 Assistant Director Tim Hemstreet
 General Counsel Jose Smith
 Secretary Robert E. Parcher

AGENDA

1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of April 2006.
 (Finance Department)

ACTION: Written report submitted.

6:23:27 p.m.

2. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Redevelopment Agency Of The City Of Miami Beach, Florida (RDA), Appropriating Funds, In The Amount Of \$315,000 For Repairs Needed At The Anchor Garage, From City Center Redevelopment Agency Operating Fund 463.
 (Capital Improvement Projects)

ACTION: Resolution No. 529-2006 adopted. Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote 5-0; Absent: Commissioners Cruz and Garcia. Patricia Walker to appropriate funds. Tim Hemstreet to handle.

End of RDA Agenda

Meeting adjourned at 6:36:12 p.m.